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Simon Cubelic . Axel Michaels . Astrid Zotter (Eds.)

Studies in Historical Documents from Nepal and India

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Studies in Historical Documents from Nepal and India

On behalf of
Heidelberg Academy of Sciences and Humanities

Edited by
Simon Cubelic, Axel Michaels, Astrid Zotter

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Cover image: Document, kept at the National Archives, Nepal, issued in the name of King Surendra Vikrama Śāha bearing the royal seal (extract).
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Foreword

The Government sole authority for preserving and managing Nepal's archival document is the National Archives, which was established in 1967. Archives Preservation Act, 1989 is the major legal tool that authorized National Archives to do all activities in this regard; especially to collect and preserve the government's important records as in any form of document and manuscript. As a repository of government records, it collects preserves and also provides them for public access.

To perform its job, National Archives coordinate and collaborates with national and international agencies and creates its own networks. Among them, National Archives has a good network and collaborative work with institutions of Germany. One of the collaborative works was **Nepal-German Manuscript Preservation Project** implemented in 1970 and continued as **Nepalese-German Manuscript Cataloguing Project** and **Documents on the History of Religion and Law of Pre-modern Nepal.** Publications have been continued as an important activity of each and every project. This book is also a significant output among them, which is the first series on outcome of a conference held in Heidelberg in October 2015 and it is one of the best publication which consists the articles on administration, religious life, legal practices and many other. All of them provide a range of knowledge as its source.

Therefore, I hope this publication which is already published by Heidelberg University publishing; now publishing by National Archives – Nepal with support of Heidelberg University, Germany will be much helpful to all kinds of hungers in knowledge especially in the history of South Asia particularly Nepal and India. This publication also shows a good partnership between Nepal and Germany in achieving the goal of National Archives of Nepal.

In this context, I would like to express my gratitude to Heidelberg University and wish ***All The Best*** for this publication.

Bhesh Narayan Gautam
Director General
Department of Archaeology

DIRECTOR GENERAL

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Foreword

The National Archives of Nepal, established in 1967, is the government body authorized to manage and preserve the country's archival documents. It operates according to the *Archives Preservation Act* of 1989, and its functions as a repository of government records are to collect and preserve manuscripts and other significant documents and to facilitate public access to them. It collaborates with both national and international organizations in pursuit of its goals, and has thereby created a network of partnerships.

The National Archives of Nepal has enjoyed a number of long-term collaborations with Germany. It has successfully partnered with the *Nepal-German Manuscript Preservation Project* founded in 1970 and its successor *Nepalese-German Manuscript Cataloguing Project*. Recently, in February 2016, we signed a Memorandum of Understanding (MoU) with the research unit *Documents on the History of Religion and Law of Premodern Nepal* of the Heidelberg Academy of Sciences and Humanities, Germany. One of the articles of the MoU states that the research unit and the Archives will issue joint publications. Consequently, we are glad to announce the beginning of a joint publication series titled *Documenta Nepalica*. The current volume, the first of the series, is the outcome of a conference held in Heidelberg in October 2015.

The present book consists of seventeen papers dealing mainly with South Asian documents from the premodern period. Those included in it cover topics such as the diplomatics of document writing, legal practices, administration, state-making, and religious life. Many of the articles in the present volume deal with specific source materials preserved in the National Archives of Nepal. This volume, then, will contribute to a greater understanding of the history of South Asia in general and of premodern Nepal in particular.

We hope that our partnership with the research unit will help in meeting the Archives' objectives. We hope in particular that further

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cooperation between the two parties will contribute much to the preservation and scientific understanding of Nepalese documents.

Saubhagya Pradhananga

Chief
National Archives of Nepal

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Editors' Preface

The volume at hand is the outcome of the conference "Studying Documents in Pre-Modern South Asia and Beyond: Problems and Perspective", held from 4 to 6 October 2015 in Heidelberg and organised by the research unit *Documents on the History of Religion and Law of Premodern Nepal* of the Heidelberg Academy of Sciences and Humanities.[1] Our aim was to bring together experts in the field of documentary cultures in South Asia and beyond in order to rethink the textual category of documents and to contemplate on its place in interdisciplinary research on South Asia.

Despite their temporal and spatial differences, the contributions assembled in this volume are interconnected by a wide range of common themes and questions (see introduction). In the book they have been arranged around major subjects, the first of which forms diplomatics and the formal features of documents and deeds. The first piece is by T. Lubin, who presents a bird's eye view of the formation of an Indic diplomatic tradition. G. Vogeler chooses an even wider angle when he explores the possibilities of digital methods in developing a global framework for the discipline of diplomatics. In contrast, C. Ramble presents a local case study from 19th to 20th century Mustang, where a local diplomatic culture drew on Tibetan, Nepali and maybe even British idioms and practices.

The next three articles deal with questions of documentary practices and the formation of cultural memory. Y. Raj uses Newari Chātas to challenge the hegemony of Western narrativist historiography based on chronology, causal explanation and teleology. A. von Rospatt studies specimens of the same textual category, in his case relating to the Newar Buddhist communities at the Svayambhūcaitya, Kathmandu. He shows how records of past actions provide a framework for collective practice. C. Sibille's contribution leads from pre-modern Nepal to

1 www.hadw-bw.de/nepal.html [accessed 30 November 2017].

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the present, discussing how digitalisation of archival records and the cross-linkage of their content is changing archival practice.

The recording, preservation and transmission of legal titles has been a major concern of South Asian documentary cultures since antiquity. Therefore, it comes as no surprise that law represents the largest thematic unit in this volume. D. Acharya gives an insight into the law of debt in 17th century Mithila. R. O'Hanlon traces the changing role of witnesses and written evidence in property disputes in the Maratha judicial system from the early modern to the colonial period. Three papers are devoted to Nepal's legal history during the Rāṇā period. R. Khatiwoda draws on documents to prove that Nepal's first legal code of 1854 was actually enforced. A. Michaels investigates a letter from Jaṅga Bahādura Rāṇā to a *dharmasabhā* in Benares of the same time, which shows that traditional centres of jurisprudence were still called upon. S. Cubelic enquires into local inflections of the legal regulations on revenue farming in early 20th century Kathmandu.

Especially from the early modern period onwards, South Asia witnessed increasing administrative documentation, owing to the influence of Islamic polities and the European colonial presence. Emerging bureaucracies and the state building process in Nepal come to the fore in the three subsequent papers. M.P. Joshi and M.M. Joshi study the role of local elites in the consolidation of Gorkhali rule in Kumaon. G. Krauskopff uses the Tharu as a case study to show how the governmental strategies of the Nepalese and the colonial state affected the political and economic life of that group. M. Bajracharya's contribution on a Newar *munshi* highlights the opportunities which the professionalisation of bureaucracy offered scribal groups.

The growth of administrative documentation altered not only techniques of rule and the interaction of state and society, but also the relationship between the state and religious and ritual activity, as the last three articles of this volume demonstrate. M. Horstmann shows for Rajasthan and C. Zotter for Nepal that ascetic organisations adopted documentary and bureaucratic practices to negotiate with the state. Finally, A. Zotter's piece on the Dasaĩ festival in 19th-century Nepal demonstrates that bureaucracies were not only instrumental for centralizing political power, but also for ritual practices.

The editors wish to thank the institutions and the many people who made this volume possible. First of all, we are grateful to the Heidelberg Academy of Sciences and Humanities for providing generous funding and administrative support for the organisation of the conference

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and the publication and the members of our advisory board presided by Bernd Schneidmüller, comprising Josef van Ess, Madeleine Herren-Oesch, Oskar von Hinüber, Hans-Georg Kräusslich, Barbara Mittler and Alexander von Rospatt, for their counsel and guidance. We especially wish to thank the National Archives, Kathmandu, the co-publisher of the herewith newly inaugurated *Documenta Nepalica Book Series*, for their ongoing collaboration with our research unit and the permission to reproduce facsimiles of Nepalese documents in this volume. The contributors to this volume must be thanked, not only for their work as authors, but also for their patience with the editing process. We also want to thank our colleagues Manik Bajracharya, Rajan Khatiwoda and Christof Zotter for their invaluable help with innumerable scholarly and technical problems and to Frederic Link for his assistance in the copy-editing process. We also wish to express our appreciation to Philip Pierce and Douglas Fear for thoroughly correcting the English and for valuable suggestions. And a final debt of gratitude and appreciation is to the team of Heidelberg University Publishing under Veit Probst and Maria Effinger, including Daniela Jakob, Anja Konopka, Frank Krabbes and Dulip Withanage, for their assistance in the completion of this project.

Since this book is available in a searchable open-access digital format, we refrained from preparing an index. As to transliterations, there has been no attempt to impose a uniform system for non-Roman scripts on the contributions to this volume. Since conventions vary from discipline to discipline, decisions about transliteration have been left to the discretion of individual authors.

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Studying Documents of South Asia: An Introduction

Simon Cubelic, Axel Michaels, and Astrid Zotter

Was ist das Allgemeine? Der einzelne Fall.
Was ist das Besondere? Millionen Fälle.
(Johann Wolfgang von Goethe)[1]

A document is a particular case opening up the general, and documents refer to particular cases, to historical events—but they are much more. They are very minute and specific, but they are also linked to society, world, religions. They connect norms, ideas and rules to practices, persons and the material world. These connections make them such exciting material. Nevertheless, documents have not been sufficiently studied, both as a self-sustained textual category and as source material for South Asian historiography.

South Asian paper documents from the 18th to the early 20th centuries, on which the papers of the present volume focus, are not isolated texts. They form a category—admittedly fuzzy—of texts that have to be studied in relation to other texts, such as inscriptions, shastric texts, chronicles, newspapers, journals, or even college curricula, pamphlets, etc. Moreover, they should not only be read, edited and translated, but studied as texts in contexts, e.g. with regard to their roles in courts, diplomacy, or administration. As such, they are a key component for understanding the "long 19th century"[2] that brought the "modernity package" by means of massive scientific and technological changes, industrialisation, overseas exploration, nationalism, new forms of administration and new media. They help to understand South Asia's traditions and modernities better, because they are particularly regional, but also situated in

1 "What is the general? The particular case. What is the special? Millions of cases" (J. W. von Goethe, *Wilhelm Meisters Lehrjahre*, 1795/6. 2. Buch, 11).
2 For a recent application of this mode of periodisation, see Osterhammel 2011: 87–88.

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the intellectual space between European and South Asian modernities, in which Europe is no longer the centre point of debates on modernity, but where there is room for resistance and subversion, other social norms and intellectual values that help to overcome "such binary formulations as before/after, premodern/modern, European/Asian, national/international, or resistance/accommodation" (Dodson/Hatcher 2012: 6).

Moreover, South Asian documents are essential for studying the colonial and the precolonial context, the centre-periphery aspects, the webs of the empire, and the interconnections between regions. Especially local intermediaries or cultural brokers whose activities have often been preserved in documents, such as pandits (Michaels 2001a, 2001b and this volume), scribes (Alam/Subrahmanyam 2004; Bajracharya, this volume), administrators (Joshi/Joshi, this volume), ascetics (Horstmann and C. Zotter, both this volume) or other middlemen and their agencies have been instrumental in shaping particular forms of modernity.

Further, the language of documents deserves a study of its own. This not only concerns the formulaic aspects (see Lubin and Ramble, both this volume), but also the hybridisation in using Sanskrit, South Asian vernaculars, Persian, English or other languages simultaneously. Research on the phraseology of documents and the special terminology show the relevance of certain languages or the change of languages.

Moreover, it seems characteristic that language is employed pragmatically in documents which, therefore, pose special challenges to treating them philologically. This includes all levels of processing, from archiving and cataloguing, or the adaptation of the philological tool-kit to the peculiarities of the genre, to the challenges and chances offered by editing them in a digitised world. It seems that e-editing offers possibilities of treating documents with both flexibility and accuracy (Vogeler, this volume), as the world of digital humanities offers new tools for handling and analysing larger corpora of documents and networking them across disciplines (Sibille, this volume).

Thus, to study, edit and translate South Asian documents, no single methodological approach is sufficient. This lies at the confluence of philology (Indology, Tibetology), history, anthropology, religious studies, digital humanities and other disciplines. In bringing together experts from different fields, the present volume aims at exploring and rethinking issues of diplomatics and typology, the place of documents in relation to other texts and literary genres, methods of archiving and editing documents, as well as their "social life", i.e. the role they play in

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social and political constellations, the agents and practices of their use, and the norms and institutions they embody and constitute. Given the background of its editors, a particular local focus in this introductory paper and in the volume as a whole is on Nepal.

Definitions and Typologies

What is a document? The question is far from being trivial, given that there are very general and very particular answers to it. In the broadest sense, any "organized physical evidence" (Buckland 1997: 806) can be called a document. This understanding has been carried as far as to include an antelope in a zoo. In this case, it was argued, the fact that the animal became an object of study made it a document. Other case studies, too, underpin the claim that "the notion of objects as documents resembles the notion of 'material culture'" (ibid.: 807). More particular concepts of documents narrow the category to written texts on material support, or "'embodied micro-thought' on paper 'or other material, fit for physical handling, transport across space, and preservation through time'" (ibid.). In addition to the evidential character, which is shared by all definitions and is at the historical heart of the word itself,[3] Georg Vogeler describes documents as "written pieces recording the explicit establishment of social relationships like ownership, political power, etc." (Vogeler, this volume, p. 85). One may add that not only the creation, but also the renewal, actualisation, or dissolution of such relationships are major concerns of documents.

In the present volume, a pragmatic approach to what is or can be considered a document is adopted, guided by what the individual papers bring forth. At the most, we are aiming at a working definition. First of all, our endeavour is limited to documents written on paper over a specific time period (roughly the 16th to the 20th century) and in a specific regional context, i.e. South Asia. We take a kind of "core corpus" of typical documents as a point of departure to survey the field and extend our category in what we consider productive ways to think about this textual genre.

3 See e.g. standard definitions in *Merriam-Webster* (s.v. document 1a; https://www.merriam-webster.com/dictionary/document; accessed March 09, 2017) or the *Oxford English Dictionary* (s.v. document, n. †3. OED Online. December 2016. Oxford University Press. http://www.oed.com.ubproxy.ub.uni-heidelberg.de/view/Entry/56328?rskey=oa3JeO&result=1; accessed March 09, 2017).

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First of all, it seems useful to reflect descriptions, classifications and definitions from the field of South Asian document cultures itself, which, like medieval diplomatics, relates the category of documents to their standing in legal matters and to the closely related methods of judging their authenticity. In Sanskrit Dharmaśāstra, written documents were considered to provide more evidence than oral testimonials: "It is said everywhere that only documents (*lekhya*)[4] are stronger (evidence) than words of witnesses" (*Smṛticandrikā* 3.1, p. 151).[5] Such documents in the legal procedure of Hindu law were accepted on the basis of the theory of the threefold evidence (*trividha-pramāṇa*) as given in the Nibandhas and developed in the section on the nonpayment of debts (*ṛṇādāna*): written document (*lekhya*), witness (*sākṣin*), and possessions (*bhukti*). However, the early Dharmasūtras do not acknowledge written documents in legal procedure.[6] The *Arthaśāstra* (2.10) dedicates a whole chapter to certificates or royal edicts (*śāsana*), but does not mention written documents in civil or personal law. *Yājñavalkyasmṛti* (2.84–94 and 1.318–320), *Nāradasmṛti* (1.115–126) and *Viṣṇusmṛti* (7.1–13) mention written documents in public or private law. Some Dharmaśāstras, especially *Bṛhaspatismṛti* (1.6.4–5), *Vyāsasmṛti* (as quoted in *Dharmakośa* I.1: 374–777) and *Vasiṣṭhadharmasūtra* (as quoted in *Dharmakośa* I.1: 348), contain elaborate references to documents.

In dharmashastric diplomatics, classifications and typologies differ (Strauch 2002: 19–51). A usual distinction is that between public or royal (*rājakīya*) and private or popular (*jānapada*, *laukika*) documents, made according to the issuer (see also Davis 2016: 168). On the basis of Devaṇṇabhaṭṭa's *Smṛticandrikā*, D. Davis (ibid.: 173–174) argues that this differentiation is important. Royal documents like decrees and edicts (*śāsana*), often donations, represent political acts, implying that later kings could revoke and contravene them without allowing any form of legal recourse. Other royal documents, such as a verdict (*jayapatra*), can still be genuinely legal. The terminology attested to is, however, not consistent across texts. Thus, *śāsana* in some texts denotes royal documents in general, while in others it is made a sub-category used for royal donation deeds (see Lubin, this volume). The *Lekhapaddhati*

4 If not otherwise mentioned or evident by context, indigenous terms are in Sanskrit.

5 See Strauch (2002: 19–52) for an excellent excursus on the development of the dharmashastric discourse on legal documents in medieval India.

6 Strauch (2002: 51) proves the only exception, *Vasiṣṭhadharmasūtra* 16.10, to be an interpolation.

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(2.0) mentions 46 public and private forms of documents and adds to this seventeen further categories (ibid.: Z 1–17). The *Rājavyavahārakośa* by Raghunātha Paṇḍita, a Persian-Sanskrit dictionary for administrative and legal terms, devotes a complete chapter, the *lekhanavarga* (pp. 92–104), to terms used in documentary practices.[7] A still larger terminological inflation is encountered when then trying to trace these categories on the ground, where terminology adopted from Persian administrative language provides further possibilities for categorisations.

South Asian document cultures each developed their own peculiar typologies. For example, for the great variety of legal and administrative documents issued in Nepal during the Śāha period a basic classification into royal and non-royal documents seems useful. Fortunately, in many documents a self-designation is covered by the first few lines. All royal documents bear the red seal of the king and are thus collectively known as *lālamoharas* (Nep.). They can be further classified into *rukkās* (Nep.), which name themselves as such, and non-*rukkās* (Pant/Pierce 1989: 13–14). The *rukkās* (from Arabic *ruq'a*) are usually executive orders with a short form of the ruler's *praśasti*. In contrast, the non-*rukkās* bear the full titles of the king, but "do not tell us what they are [and therefore] pose the problem of nomenclature" (ibid.: 13). The non-royal documents are again of different kinds. Letters to the central authority, viz. the king, are usually called petitions (*bintī-patra*) or supplications (Nep. *arjī*). *Purjīs* (Nep. "slip of paper, note") are issued by government bodies in inner-administrative contexts or to individuals. Thus, the Dharmādhikārin (religious judge) issued notes for the rehabilitation of caste status (*patiyā-purjī*).[8] In the absence of labels in the documents themselves they can be grouped according to their subjects, such as the whole range of private deeds relating to sale (*vikrayapatra*), pawn obligations (*valitapatra*, *bhogabandha*), or debt obligations (*vyavahārapatra*).

Given the fact that in archives, "historical document" is often employed as a kind of residue category to which all material is relegated that cannot be accommodated in other 'proper' textual categories, such as Veda, Darśana, Purāṇa, Tantra, or Dharmaśāstra, there is much more material to be found than the (public and private) deeds, (administrative) files, (official and private) letters, etc., mentioned so far. We are also dealing with textual material, obviously documents

7 See also the glossaries of Gune (1953: xxii–xxvii) and Strauch (2002: 431–486) for more indigenous terms of documents; see also Thakur (1927–1928).

8 See Michaels (2005: 42) for a reproduction of such a *purjī*.

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in the above sense, but lacking a proper self-designation. In the more fortunate cases, these 'scattered papers' bear some title or generic label, often added by a second hand, such as *tapasila* (Nep. "list"), *bahī* (Nep. "account book") etc.

The texts dealt with in the contributions by A. von Rospatt and Y. Raj can serve as an illustrative example for such a case. As these episodic records of historical events are numerous and very similar in terms of language, format and contents, they are usually treated as a distinct genre of medieval Newari literature. Mostly, however, they do not bear individual titles and accordingly have been archived and published under various names (Raj, this volume pp. 134–135 n. 5), including *vaṃśāvalī*, *bahī*, *thyāsaphū* ("folded book"), or *ghaṭanāvalī* ("series of events"). Although such texts lack most of the formal features of other documents, such as statements of senders and recipients or purpose, they share with them the often formulaic character and the fact that they are pragmatic and bilingual texts. Moreover, they can function as documents, in the general sense of "proof", or "evidence", on a number of counts. First of all, they are evidence of particular events. As von Rospatt argues, as such they can acquire authoritative status for their subsequent users, therein changing from a description of past activities, in this case the sponsorship of a renovation, to being prescriptive for present and future renovations. Furthermore, as Raj argues, when looked at from the perspective of history writing, they can be evidence for forms of "doing history", in which chronology and narrativity are far from having the same axiomatic status in history writing as in the European academic discipline.

Documents, then, should be studied in relation to other genres, such as epistolographical literature, Dharmaśāstra, inscriptions, or *vaṃśāvalīs*. These latter texts are, in style and approach, very different from documents, but they also refer to, and try to bear witness of, historical events. The term *vaṃśāvalī,* literally the "row" (*āvalī*) of "dynasties" or "lineages" (*vaṃśa*), denotes a text genre of historiography and may be roughly translated as "dynastic genealogy/chronicle".[9] Documents and chronicles complement one another, for example when referring to holy shrines and rituals. While documents provide information on the origin and administration of estates with whose revenues the temples were maintained and the festivals and rituals

9 For a detailed study of the theoretical implications of the *vaṃśāvalīs*, see Bajracharya/Michaels 2012, Raj 2012, and especially Michaels et al. 2016.

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organised, the chronicles predominantly shed light on the mythological backgrounds. Rulers and gods appear to be intertwined with each other in both these categories.

Besides questions of typology and literary genre, the investigation of documentary cultures raises a wide array of research questions on several major issues of premodern South Asian cultural and political history. In the following we will flag a few of these areas and show how the contributions of this volume relate to them.

Formalism and Diplomatics

In Europe, diplomatics developed as an auxiliary science in medieval studies. It deals with formal features of, and conventions for, writing deeds, and its rise was intimately connected with the need to provide 'scientific' tools to judge whether a given document presented to justify possession, status or rights was an original or a forgery (Bresslau 1889: 11–40). In South Asia, too, standards for issuing public and private deeds and conventions for writing formal letters have been cultivated. The *Mānavadharmaśāstra* (9.232), for instance, prescribes the death penalty for those forging royal deeds (*śāsana*). The high degree of formalism by which legal documents are characterised can thus be seen as a necessary safeguard against counterfeiting. These stylistic features were, however, often only one aspect of issuing a valid document. An elaborate system of procedure needed to be followed and often—as, for example, the contributions by C. Ramble and R. O'Hanlon to this volume show—a practical authentification process guaranteed that its validity was backed by a social consensus.

Epistolographical treatises in Sanskrit deal with the composition of letters and deeds, with the proper modes of address depending on the social rank of the addressee, formal features of letter-making and scribal materials. Often, they contain model letters and documents and lists of synonyms, especially for the courtly context (Banerji 1958; Strauch 2002). Major representatives of this genre include: The *Uktivyaktiprakaraṇa* of Dāmodara (12th century), the *Lekhapaddhati-Lekhapañcāśikā* (13th–15th centuries), the *Likhanāvalī* of Vidyāpati (14th century), the *Patrakaumudī* of Vararuci, the *Praśastikāśikā* of Bālakṛṣṇa Tripāṭhin (17th century), the *Lokaprakāśa*, attributed to Kṣemendra (17th century), and the *Yāvana-Paripāṭī-Anukrama* of Dalapatirāya (18th century).

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Moreover, as a second major strand of South Asian diplomatics, there is a huge epistolographical literature in the Indo-Persian tradition (Muḥīuddīn 1971; Richards 1986), which developed in the Mughal Empire and cultivated Persian as the political, legal and administrative language (Weber 2007). Texts such as the *Nigarnamah-'i Munshi* ("Munshi's Letterbook", 17th century) contain detailed sections on draftmanship (*inshā*), epistolography and examples of prominent *munshis* (Pers. *munšī*, Nep. *munsī*) of the past (Alam/Subrahmanyam 2004: 63). The Indic and the Indo-Persian epistolographical traditions also interacted with each other. Recently, P.K. Jha (2014: 35) has provided evidence that Vidyāpatī's *Likhanāvali* drew upon the Persian genre of *inshā* literature.

D. Davis (2016) rightly argues that scholastic reflections represent a window into how documents were received at a given time in history, what meaning was attributed to them (ibid.: 169), and the cultural suspicion with which they were treated, as the prominent role of witnesses suggests (ibid.: 175). It is a future task to explore the interplay between extant corpora of documents with the contemporaneous legal categorisation of them (ibid.: 194). That standards codified in epistolographical and documentary literature were also put into practice has been shown for a number of issues and corpora, such as land sale and mortgage (Davis 1999: 168–170, 184 and 2004: 58–68; Kölver/Shakya 1985), slavery (Pant 1997; Jayaswal 1920), official letter writing in Rajasthan (Horstmann 1998, 1999), or diplomatic documents.[10]

The different sources and influences from the normative literatures and contexts played out differently in concrete local diplomatic traditions. However, there are, as T. Lubin shows in the present volume, certain threads that can be followed from Aśoka up to recent times. Moreover, and similar to documents elsewhere in the world (see Vogeler, this volume), South Asian documents can often conveniently be analysed as having a tri-partite structure with an introductory part (*protocol*), the main text (*context*), and a closing part (*eschatocol*). Latin or English terminology developed in medieval diplomatics (Bresslau 1889: 41–44) has been found useful when applied to documents from South and Central Asia and to connect to the indigenous terms in Sanskrit, Persian and the vernaculars.[11]

10 See the special issue of *The Indian Historical Review Journal* 25 (1998) and Lubin, this volume.

11 This includes documents from Kerala (Davis 1999: 173 and 2004: 53), Maharasthra (Gune 1953: 135–136), Rajasthan (Horstmann 1998, 1999), Nepal

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The introductory part (*protocol*) often begins with the *invocatio*, the invocation of a favoured deity (e.g. in Nepal: *śrī durgā sahāya*, in Marwar: *śrī parameśvara satya chai*). The invocation is typically followed by an empty space, in which auspicious words (*apprecatio*), such as *śrī*, are placed. The royal seal and names of deities or of other reverend beings mentioned in the text (e.g. kings' names) can be placed here, too, being marked in the text itself by numbered placeholders. The text body then may begin with a *benedictio* or sign of auspiciousness (*maṅgala*), e.g. with *siddhi* or *svasti*. The protocol often contains *intitulatio*, the statement of name, title and descent of the sender (*uddeśaka*), expressed as an elaborate panegyric (*praśasti* or *prakīrti*) in case the king or his representatives issue the document; *inscriptio*, name, title and descent of the addressee (*uddeśya*); *salutatio*, expressions for the addressee's well-being (*kuśalalekhana*). In letters from inferiors to superiors, *intitulatio* and *inscriptio* are typically inverted. In some types of letters, such as the Nepalese *arjī*, these details are relegated to the eschatocol.

The main text (*context*) covers the subject matter of the document. Often one can distinguish different parts of it; i.e. *narratio*, information on what the document is about, sometimes with reference to the history of the case, names of the parties and others involved; *dispositio*, declaration of the promulgator's will, e.g. the decision of the case and mention of punishment; *sanctio*, threat of punishment, penalties or force, in case the *dispositio* is not followed; *corroboratio*, statement of the means of validation, such as inscriptions or additional documents issued, or witnesses (*sākṣin*).

The concluding part forms the complement to the *protocol*, viz., the *eschatocol*, and can include: *subscriptiones*, the signatures (*mata*) of all parties concerned and persons involved in issuing the document, their stamps, or fingerprints (see Ramble, this volume);[12] *apprecatio*: prayer for the realisation of the deed, often in the form of blessings (e.g. *śubham*, "[May it be] auspicious"), liability clauses in order to

(Kölver/Śākya 1985: 31–51; Michaels 2010: 66; Pant/Pierce 1989), Kashmir (Weber 2007: I, 137–148), and Tibet (Schuh 2015).

12 The difference between the *corroboratio* as part of the *context* and the *subscriptiones* of the *eschatocol* is not always easily drawn. At least for Nepalese documents, however, such a distinction seems useful. In various examples the *corraboratio* mentions copperplates issued on the deed or people involved when the deed was put into practice, e.g. when the borders of a field donated were demarcated. Then in *subscriptiones* one finds further people involved in certifying the validity of the document itself.

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avoid any obstacles; date and place where the document was issued, sometimes with further astronomical details; *particularia* (Arab. *tafṣīl*, Nep. *tapasil*): particulars of the deed, such as fines and fees, or the calculation principles for the endowment fund.

Language, Literacy and Linguistic Identity

It is a common feature of premodern South Asian documents that different languages are used in the same text, either as a combination of a translocal language, such as Sanskrit or Persian, with one of the South Asian vernaculars, or in the form of bilingual vernacular documents. Such language use and language shift was often employed as a stylistic device to structure different parts and signal different registers. Furthermore, documents navigate between the formulaic aspect and a pragmatic approach to language, in which norms for orthography and grammar are handled with great flexibility. Thus, it is not rare to find the same lexemes in different spellings in a single document. This multilingualism is not a distinctive characteristic of document cultures, but was already present in ancient and medieval inscriptions and copperplates. In a recent contribution on premodern Indic legal records, T. Lubin (2013: 411–412) has used the term "functional diglossia" for this phenomenon differentiating between two forms of diglossia: one, in which Sanskrit serves as an acrolect and is primarily used for expressive and ceremonial ends (as in the *protocol*), the other referring to a Sanskritised and formulaic register of the vernacular language itself. Especially the latter aspect shows that the influence of Sanskrit was not only due to its symbolic value as an expression of Brahmanical high culture, but also due to the practical utility of its legal and administrative concepts and terms. Lubin's observations underline the importance of studying the documentary register, not only for investigating processes of vernacularisation, but also to develop a more nuanced understandingof Brahmanisation and the implementation of shastric norms. Before coming back to this point, we will try to outline how documents can facilitate a better understanding of the increasing role of literacy and the formation of linguistic identities.

Over the last two decades, South Asian linguistic and writing practices have attracted attention, especially in their relationship with the formation of polities and regional identities. S. Pollock (1998: 28) argued in a seminal paper that from the first centuries of the second millennium

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CE onwards South Asia underwent a process of vernacularisation in which the socio-literary space of the cosmopolitan language of Sanskrit was gradually diminished by regional languages. Even though vernacularisation marked a tremendous shift in the history of culture, power and identity in South Asia, this new cultural framework built on literary resources of the vanishing cosmopolitan model. The regional languages appropriated the aesthetics of the Sanskrit language, adopted its classical literature and localised its political imagination. Vernacular languages had been used for "documentary" purposes before, but "a vision of power and culture made possible only by the elaboration of a literary corpus" (Pollock 2006: 24) was essential for vernacularisation.

The expansion of documentary practices in the course of the early modern introduction of paper-based administration poses an interesting case for Pollock's narrative. Did paper documents in the regional Hindu kingdoms of that time follow the models of an Indic diplomatic culture for which Lubin has given an outline in this volume, or is the Persian influence predominant? The vernacular documents from that period draw to a great extent on administrative terminology from Persian, the second premodern cosmopolitan language of the subcontinent (see Horstmann and O'Hanlon, both this volume). Besides the literary vernacularisation grounded in the aesthetics of Sanskrit, is there another documentary vernacularisation in which the "language of political Islam" (Alam 2004) represents the model case? Consequently, is only the literary idiom instrumental for the imagination of vernacular polities, or can the documentary idiom itself provide expressive and aesthetic resources for the creation of political identities? For example, M. Hutt (1988: 41–47) has highlighted the important role which the adoption of Nepali as the language of law and administration played as a unitary bond for the newly-formed Gorkhali kingdom in the second half of the 18th century, and for establishing Nepali as a national language. For this research axis, it will be vital to examine the role of royal chanceries in the process of standardising vernacular grammar, orthography and lexicology, which are crucial features of the collective experience of being part of a language community. C. Ramble's contribution to this volume reminds us that Nepali did not replace existing administrative idioms at one stroke; rather, its increasing usage was an incremental process in which Nepali slowly trickled down into local languages. That documents facilitate socio-cultural integration beyond the establishment of a shared language becomes visible in A. Zotter's study on the Dasaĩ festival in 19th-century Nepal. She presents evidence

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for how records and documentation of the practices of a state ritual contributed to the symbolic integration of the polity and the imagination of a collectively shared temporality.

Pollock (2007) drew attention to another pivotal factor in the consolidation of premodern language identities: the South Asian manuscript culture. Long before the advent of the modern "print-capitalism", a dense network of scholars, poets, scribes, teachers, priests and royal patrons created a cultural and intellectual economy in which manuscripts circulated widely in a pan-Indian market—a phenomenon for which Pollock aptly coined the phrase of "script-mercantilism", and which became especially important in the early modern period (ibid.: 87–90). The impact this increasingly literate world had on earlier oral forms of political communication and legal administration in early modern South Asia, still deserves more research. Did the introduction of norms laid down in writing cause local actors difficulties in that it narrowed their room to negotiate state interference? The example of allocating gambling licences in Rāṇā Nepal, discussed by S. Cubelic in this volume, speaks to the contrary. In her paper on the history of the Maratha judicial body of *majālis*, R. O'Hanlon (this volume) shows that, despite the importance given to the documentation of litigation in paper form and the introduction of bureaucratic principles, throughout the 17th century the *majālis* still remained highly embedded in local social networks and communal ethics. Usually elites, such as scholars, poets, kings or courtiers, are identified as the main agents behind these processes of language change, spread of literacy and language identity formation. However, large-scale document production gave rise to an intermediate professional class whose influence on changes in governance, social norms and identity may have been equal in importance as that of elite initiatives.

The Ascendance of Scribal and Administrative Elites

Documents are often read as products of the agency of institutions or the political actors ordering them. Their real 'authors', such as clerks, scribes, or translators, remain unknown. R. O'Hanlon and D. Washbrook (2010: 441) rightly state that, despite the fact that written documents are the major sources for historians of South Asia, we know but little of the scribes who produced them. Especially from the early modern period on, scribal elites emerged as key actors in the political

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and economic transformation of the Subcontinent. The introduction of new methods of paper administration, originating in the Islamicate and Persianate sphere, created new opportunities for scribes in bureaucracy, commercial accountancy and legal administration (ibid.: 441). Some of the groups were already specialised in administrative duties, such as the Kāyasthas, while others came from the ranks of religious specialists of Hindu and Muslim communities. S. Bayly (1999: 64–96) extensively studied the important role Brahmin communities played in the consolidation of the Maratha Empire. In the Maratha polity, Brahmins were found in such diverse fields as state contractors for tax-privileges, as scribes and administrators and in high military posts. Brahmins recruited other Brahmins and consequently, non-Brahmanic communities adopted Brahmanic values in order to gain access to state positions. Additionally, Brahmins in the legal administration implemented the categories of *varṇa* und *jāti* in social practice which increased the importance of Brahmanical ideology in the early modern and even more in the colonial period.

However, the ascendance of scribal groups requires a careful regional contextualisation, even though trans-regional migration patterns or institutions for managing status conflicts between rival groups like *dharmasabhā* were of great importance (O'Hanlon 2007; O'Hanlon/Minkowski 2008). Fortunately, first studies are now available for Bengal (Chatterjee 2010), South India (Fuller/Narasimhan 2010; Guha 2010) and Western India (O'Hanlon 2010), as well as for particular groups of scribal elites such as *munshis* (Alam/Subrahmanyam 2004). For Nepal, the research on scribal and administrative elites is still at the beginning (see Bajracharya/Cubelic/Khatiwoda 2016, 2017). As the contribution by M.P. Joshi and M.M. Joshi reveals, the fluctuation of Nepal's southern borders in the early 19th century profoundly influenced the restructuring of local elites, who had to serve different masters.

The systematic study of larger bodies of early modern documents might help to elucidate the social processes behind the establishment of paper-based administration and to shed light on the following questions: which groups served at which level of the bureaucratic hierarchy? Which linguistic background was desired and how did the scribes navigate between the different discursive realms? What was the educational background of a scribe? Did individual merit or personal loyalty exceed group affiliation? To what extent could scribal skills be translated into political power or control over economic resources?

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Did scribes use their access to state power to push through the norms of the social and religious groups they originated from, or did they develop a new scribal ideology with a particular moral code? These questions can only be addressed by bringing the traces of the scribes in the documents themselves into dialogue with sources coming from the scribal lifeworlds, including training manuals, family chronicles, or even visual material such as portrait paintings. M. Bajracharya's contribution in this volume takes such a path by delineating the career of Munshi Lakṣmīdāsa Pradhāna during the first half of the 19th century. The influential role of this *munshi* not only translated into wealth, but the assertion of his increased status and his professional ethos is also reflected in cultural artefacts, such as paintings and family chronicles. Munshi Lakṣmīdāsa's vita is also interesting from the viewpoint of analysing processes of cultural mimesis, as it also provides an early example of taking over, and being assimilated to, the cultural habitus of the dominant elites, which was to become a major career path in the Nepalese state.

Norms and Legal Practice

Scholars of classical South Asian legal history face a dilemma. Although the Dharmaśāstra represents a rich and highly sophisticated jurisprudential tradition which also provides detailed regulations on deeds for private transactions, as well as reflections on their validity as proof in litigation (Strauch 2002), the number of extant deeds and documents is small, at least in fields other than land grants, revenue arrangements and transactions of substantial property. The question, then, is to what extent the corpus of Dharmaśāstra texts shaped or mirrored the legal practice, if at all. An influential proponent of an idealistic reading of Dharmaśāstra literature is L. Rocher, who argues that Smṛti texts consist of Sanskrit translations of vernacular free-floating verses which initially were a record of legal customs of different regions. Afterwards these texts were turned into frozen sacred knowledge and became the object of Brahmanical exegesis and scholasticism, largely detached from the socio-legal realities (Rocher 1993: 267; Rocher 1984: 41). It was only the colonial state which confused *dharma* and law, something which has been a source of misunderstanding and conflict up to this day. Yet, for R. Lariviere (2009: 190), Dharmaśāstra literature remained open towards the living law during its entire history. Although

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Lariviere agrees with Rocher to the extent of Brahmanical ideology exerting an influence on the textual norms (ibid.: 196), he stresses the manifold instruments of Dharmaśāstra to integrate changing societal norms into its textual tradition, especially through the reference to an unspecified law of the learned and cultivated, *śiṣṭācāra*, or the inclusion of apocryphal verses into the later digests and commentarial literature. Therefore, according to Lariviere, Dharmaśāstra literature is a reliable source for the history of Hindu law, and not only for its jurisprudence.

More recent approaches try to moderate between these two positions by distinguishing between Hindu law, on the one hand, and Dharmaśāstra on the other. For D. Davis (2008), Dharmaśāstra texts primarily served the cultivation and transmission of a jurisprudential tradition. However, this still implies that societal actors that had received training in that scholastic tradition and internalised its norms could try to implement them as far as their access to social and legal institutions allowed (ibid.: 317). Hindu legal cultures are shaped by the dialectics between exegetical tradition and legal practice, and their 'Hinduness' is a matter of degree depending on the weight given to dharmashastric norms in a given context (Davis 2010: 13). In a similar vein, A. Michaels (2010: 77) has defined premodern Hindu law by its "relational character", which means that its substantive law depended to a great extent on local, temporal and socio-political exigencies, especially the distribution of power among elite groups. For T. Lubin (2015: 251), Dharmaśāstra functions as a non-state model of a "rule of recognition" by which customary laws are validated, even if historical sources do not explicitly refer to this textual resource. However, there are also cases in which legislation abolished customary standards or officially recognised them (ibid.: 250). Therefore, legal documents are crucial to understand how custom and legislation within a premodern Indic legal system were prioritised and how they interacted with each other. Taking these more recent approaches to the study of Hindu law seriously, it is only legal records which can show whether the legal practice in a specific historical constellation prioritised translocal shastric norms, followed the local legal pluralism of the different *deśa-*, *jāti-*, *kula-* or *śreṇidharmas* (regional, caste, family or guild laws)—even if they were opposed to the injunctions of the Smṛti—applied both bodies of rules at the same time, depending on the respective spheres of socio-cultural practice, or drew on the Dharmaśāstra as a hidden resource.

D. Acharya in this volume provides us with an example of dharmashastric regulations on the law of debt, such as a son's liability for the

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father's debts or certain procedures for debt clearance, being put into practice. As the contributions to the legal history of Nepal in this volume suggest, legal documents help to carve out conflicting impulses even within the context of the same legal system. Whereas R. Khatiwoda (this volume) shows that the *Mulukī Ain* of 1854 represents a legal code which deviates from basic principles of the Dharmaśāstra, A. Michaels presents a case in which the Nepalese prime minister contacted a traditional assembly of scholars of Hindu law to receive advice on ritual practice. Khatiwoda, gives evidence that the law on homicide in the *Mulukī Ain* was put into practice, while S. Cubelic refers to an example showing that the government still possessed instruments to suspend its regulation. In this respect, the debates outlined in the field of Dharmaśāstra have salience for other premodern Indic knowledge systems or normative codes of ritual practice.

Divine and Human Rule

Kingship has been a fundamental institution of, and ordering principle for, South Asian societies. Connected to or disconnected from the actual power to rule, a king or kingly figure typically occupies the centre of his realm. He is the "turner of the wheel", the *cakravartin*, of his sphere of rule, his *maṇḍala*. Rulership was often clad in ideological terms one tends to call religious, though the concept of *dharma* with the king as its foremost protector and propagator, encompasses the social and the cosmic, the religious, political and legal spheres alike. South Asian kings' schemes of governance were therefore bound to implementing and thus guaranteeing the order of cosmos, world, and society. They were committed to the "cohesion of the world" (Horstmann 2009).

The rule of South Asian kings has been studied as "divine kingship", because the sovereignty of the ruler commonly depended on, was derived from, or was even shared with a deity. The latter could be conceived of as the realm's or king's *śakti*, the personified "might" or "capacity" to rule (Gupta/Gombrich 1986). The deity could be represented as the real ruler with the human king surrendering his kingdom and sovereignty and acting as on his command (Kulke 1981; Sax 2006), or the deity could stand as a sole ruler, whose will was typically channelled through mediums or represented by groups of people (Lecomte-Tilouine 2009; Sutherland 2003). The king himself not only acted as the deity's premier servant and central sacrificial patron in exclusive

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roles in rituals; his special status was underlined by homologising, sometimes even identifying him with royal deities, typically with Indra as king of the gods or as Viṣṇu, the famous upholder of *dharma* and enemy of demons. Thus, according to popular opinion echoed by scholars and journalists alike, the king of Nepal was regarded as an incarnation of Viṣṇu.[13]

The king as a semi-divine being not only depended on his tutelary deity and other divinities of his realm, whom he had to serve and propitiate by e.g. building temples, performing rituals and bestowing property, he also entertained mutual dependencies for legitimacy and empowerment with Brahmins and ascetics. These other "human gods" (Burghart 1987) blessed the king and increased his merit as receivers of gifts and privileges. They were his consultants and ideologues (Michaels, C. Zotter, both this volume).

Different kings ruling over centre-oriented realms were engaged in constant processes of negotiating relations with their neighbours. Ever since B. Cohn (1962) coined the term, and following the ground-breaking studies of B. Stein (1980) and N. Dirks (1987), the level of the "little kingdoms" especially has attracted scholarly attention (Schnepel/Berkemer 2003). These kingdoms existed within the protection of larger kingdoms, or as H. Kulke's integrative model of state formation shows, "jungle kings" adopting Hindu ideologies of state-craft could become "little kings" or even "great kings" over other little kings (Berkemer/Frenz 2003). The charisma of the "little king" was grounded on a system of traditional acts of loyalty and was expressed in the king's privilege to bestow or grant titles, medals, land and benefices, or to found or support temples as transregional pilgrimage places. This situation makes it impossible to reduce power to governance (Michaels 2007). Accordingly, the notion of rituals and Hindu ideologies as mere tools serving political ends has been challenged, and royal rituals especially have started to be conceived of as entities in their own right (Sax 2006: 8–10; Schnepel/Berkemer 2003: 17).

Together with other textual material produced in the context of little kingdoms, historical documents have been singled out as important, but under-researched sources to mirror such ethno-historical aspects and developments and to see Hindu kingship not just from an ideological plane, but also in its historical existence (Schnepel/Berkemer 2003: 18). As B. Schnepel and G. Berkemer rightly stress, even if

13 See Mocko (2016: 4–6) for a problematisation of this often quoted phrase.

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> … these sources, too, are more often than not idealising and ideological in character[,] … studying this material more deeply enriches our view of the ideological and intellectual side of Indian life, since it will make us more sensitive to the fact that ideas and ideologies in South Asia were not monolithic dogmas but dynamic matters of negotiation and contestation. (ibid.)

More than this, documents provide windows into other, often neglected aspects of enacting and maintaining sovereignty through religious practices, such as the establishment (*pratiṣṭhā*) of deities (Bledsoe 2004) or ritual gifts (*dāna*). Royal endowment charters often not only cover details of the land grants for supporting the deities' cult, or of the rituals, but also draw attention to the organisation, logistics and material culture (A. Zotter, this volume).

Nepal under Śāha rule and its document culture certainly poses a special case. There, kingship with an explicitly Hindu agenda flourished when elsewhere on the subcontinent kings were left without political power. The Gorkhali kings not only relied on the traditional concepts of rule just characterised, they also engaged with forms of governance, administration, and military strategy which they had their state agents closely observe beyond their southern border (Bajracharya/Cubelic/Khatiwoda 2016, 2017). With a view to the British rulers, they established the ideological notion of them being the "cow-protectors" (*gorakṣa*) and last bastion of pure Hindu conduct against the British "cow-eaters" (*gobhakṣa*) (Kölver 1986a; Michaels 1997). Two papers in the present volume show that the enactment of the king's position at the apex of his realm as a ritual system was central to the integration of the Gorkhali state. A. Zotter's paper highlights that the festival of Dasaĩ was a cornerstone of the master narrative of the Śāha dynasty of achieving and maintaining victorious rule through the worship of the warrior goddess and demon slayer Durgā. In synchronising and reformulating existing rituals, the Śāha state struck a delicate balance between continuity and appropriation of the ritual practices of earlier rulers and their little kingdoms, which underlines the close relationship between rituals and state formation. In his article on the Śāha kings' interaction with the Nātha Jogīs and Sannyāsīs, C. Zotter points out that rulers integrated ascetic institutions into the polity in two ways: by granting them rights over donated land and judicial authority. On the one hand, certain charismatic figures such as Bhagavantanātha were powerful agents in the cultural politics of the Śāha state. On the other

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hand, the administrative control enabled the state to increase its revenue. Equally crucial to the consolidation of the Gorkhali polity as the appropriation of rituals and the integration of religious institutions was the co-optation of local elites. M.P. and M.M. Joshi provide the instructive example of the Seṇū Jośīs who played a decisive role in establishing orderly rule in the Kumaon region.

The Nepalese case also shows that a regicentric perspective alone does not do justice to the often-competing power situations and that there is always a "dialectic relationship between … ideologies and 'factual matters'" (Schnepel/Berkemer 2003: 18). Thus, the successors of Pṛthvī Nārāyaṇa Śāha, the "little king" from Gorkha who became a "great king", were mostly too young or weak to wield power. Between 1799 and 1950, almost no king ruled alone. He was surrounded and represented by regents and prime ministers, queens, queen mothers, brothers and illegitimate sons of second wives or concubines who all sought to ascend to power. In the Rāṇā period (1847–1950), the king was even reduced to his ritual roles. Contrary to palace rhetoric and ideology of absolute rule, the *Mulukī Ain*, the legal code promulgated under the Rāṇā, subjected the person of the king himself to law (Cubelic/Khatiwoda 2017).

Additionally, apart from the never-ending power games within the palace, the ethnic diversity, the geographic fractionalisation and the polycentric distribution of power led to the establishment of an anxious administration that entailed a quantum leap in the production of paperwork. The administration of the highly fragile territory, which until the 20th century was a set of territories and groups of people conquered by the Gorkhalis, rather than a national state with a common identity, relied on a political strategy that was characteristic of the little kingdom (Schnepel/Berkemer 2003: 14–15). On the one hand, it needed "big men" in order to collect taxes and represent his majesty's government on the local level (see Krauskopff, this volume). On the other hand, these "little kings" posed a constant threat to the central government, though one bridled by a system of annual reappointment (Nep. *pajanī*). When using the authority granted from above to empower themselves locally, they could become too strong, enough either to rival the palace in Kathmandu, or to eschew its authority (Burghart 1984; Ortner 1992: 94). However, as G. Krauskopff's account of the Tharu farmers (this volume) shows, during the Rāṇā period the Nepalese state undertook several attempts to expand its governmental control and resource extraction by bureaucratisation, redefinition of proprietary relations,

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increased taxation and cadastral surveys, which diminished the agency of the Tharus considerably.

Archiving and Digitising Documents

From medieval and early modern times onwards, South Asia has offered rich examples of archival institutions and document collections, both private and public, which to a large extent are still unexplored. Besides Nepal, which will be discussed here in more detail, comprehensive studies on premodern South Asian documents are especially available for Kerala,[14] Maharashtra,[15] and Rajasthan.[16] Though documents, first on palm-leaves, then on paper, have existed at least since the late 10th century in Nepal (Kölver 1981: 133), with the rise of the Śāha dynasty

14 In Kerala over a million documents are preserved, dating back to the 14th century. But only a few collections, containing the records and chronicles from various temples (Davis 2004: 30–32), have been published: *Vanjeri Grandhavari* (1987), *Koodali Granthavari* (1995), *Chronicles of the Trivandrum Pagoda* (n.d.), or *Peruvaranam Kṣetra Granthavari* (1979). Similar documents have been published in modern historical works: Logan (1995 [1887]), *The Travancore State Manual* (1940: II), or Krishna Ayyar (1938). A valuable source is also the collection of letters and records by the German missionary Hermann Gundert (Skariah 1996). The Vanjeri records are mostly mortgages, contracts of loans or land-tenures, statements of accounts, or other civil transactions between two parties which prove the decisive role of the Namputiri Brahmins as mediators for the appropriation of Dharmaśāstra into the local legal system (Davis 1999: 198). The Tellicherry Documents contain a great deal of information on criminal law.

15 In Maharashthra, earlier research focused mainly on the judicial institutions of the Marathas, especially the studies by Mountstuart Elphinstone (1973 [1872]), Surendranath Sen (1925) and Vithal Trimbak Gune (1953). Gune provides the analysis of judicial documents, *mahzars* (public attestations or statements laid before a judge) and deeds or other documents (*nivāḍapatra*, *watanpatra*), orders pertaining to crimes and criminal cases, and documents pertaining to sins and expiations. Chronologically, the subject is focused on the periods between Shivaji and his successors (1550–1750) and the Peshwas (1750–1818), when the Maratha power came to an end. Other collections (see O'Hanlon, this volume) are found in V.K. Rajwade's Bharat Itihas Samshodak Mandal, Bhandarkar Oriental Research Institute, Deccan College Postgraduate and Research Institute, or in the Pune Record Office. Further document-based research has been carried out by S. Guha (1995), who focuses on 18th-century criminal law, and by R. O'Hanlon, who sheds light on local institutions, such as *gotas*, *majālis* and *panchayats* (this volume), and Brahmanical institutions, such as *dharmasabhās* (O'Hanlon/Minkowski 2008).

16 In Rajasthan, document collections of religious institutions during the early modern and colonial period have been studied by M. Horstmann (1998, 1999, and this volume); legal documents have been studied by S. Bhansali 1993. The documents provide important insights into documentary practices in the confluence of Indic and Persianate diplomatic traditions and administrative cultures.

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and the establishment of Nepal as a territorial state from the middle of the 18th century onwards paper documents as major 'currency' in the administrative and legal practice of the state achieved a new quality. Given the wealth of documents in Nepal, only a limited number have been published and analysed so far. Pioneers of the field include the scholars of the Nepalese research group Saṃśodhana-Maṇḍala (Mahes Raj Pant, Dinesh Raj Pant and Naya Raj Pant, Gyan Mani Nepal, Dhanavajra Vajracharya) and others such as Baburam Acharya, Krishna Kant Adhikari, Madhav Lal Karmacharya, Bernhard Kölver, Yogī Naraharināṭha, Dilli Raman Regmi, Mahes Chandra Regmi, Hemraj Shakya, and Govinda Tandan.[17] Their studies explore selected topics (e.g. economy, Rāṇā administration, certain ethnic groups, monasteries, temples) or regions (e.g. Mustang). Documents have also been recorded in catalogues (Dangol 1991–1992; Śarmā 2000). As a larger corpus, however, the Śāha documents have so far not been studied systematically.

The rich stock of Nepalese documents forms the only larger corpus of non-colonial documents from South Asia. More than one hundred thousand documents have been microfilmed by the *Nepal-German Manuscript Preservation Project* (NGMPP) conducted by the German Oriental Society from 1970–2002,[18] in particular the documents preserved in the National Archives Nepal (NGMPP DNA-series, 23 reels); in the Guṭhi Saṃsthāna, an organisation established in 1964 by the Nepalese state to administer the funds from royal endowments for religious institutions and public welfare[19] (K-series, 720 reels); documents microfilmed at the Paśupatināṭha Temple and Paśupati Gośvāra (PN-series, 37 reels); and documents in private possession, notably the *Mahesh Chandra Regmi Collection* (over 100 reels in the E-series). In collaboration with the National Archives Nepal in the aforementioned research unit on Nepalese documents of the Heidelberg Academy of Sciences and Humanities (www.hadw-bw.de/nepal.html), the material microfilmed by the NGMPP is being systematically catalogued for the first time and selected editions and translations are being published, both in digital and printed form.

17 For an overview, see Slusser 1982: 423–425 and Pant 2002 to which may be added Adhikari 1984; Dhungel 2002; Karmacharya 2001a, 2001b; Kölver 1981, 1981/82, 1986b, 1993, 1995, 1996; Kölver/Shakya 1985; Michaels 1994: 328–380; and Tandan 1996/1999. Haenisch 1959 provides editions and translation of documents in Chinese, Mandschu and Tibetan language on the prehistory of the Sino-Nepalese War (1788–1792).

18 See https://www.aai.uni-hamburg.de/en/forschung/ngmcp/history/about-ngmpp.html [accessed 28 February 2017].

19 See http://www.guthisansthan.org.np/eng/index.php/about-us/introduction [accessed 28 February 2017].

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Other significant document collections that have not or have only partially been microfilmed or digitised include the Asha Archives (Āśā Saphū Kuthi, www.aioiyama.net/ask/index.html), the Madan Puraskar Pustakalaya (www.madanpuraskar.org), those of former or still existing Nepalese government institutions (Amatya 1988–1989), those of community-based archives (Kunreuther 2017; Ramble, this volume), or documents from the Hodgson Collection in the British Library and other institutions (see Waterhouse 2004; Whelpton/Hutt 2011), which have been catalogued under the supervision of Ramesh K. Dhungel.[20]

Although there is increasing awareness that the nature of premodern documents has to be interrogated, the social spaces of their physical presence remain rather neglected. Far from being natural sediment of the collective memory of a society, state archives are highly political institutions. What, why and how something is preserved inevitably reflects the interests of certain social groups and state elites to legitimise their claims on property, power and status, or to stabilise hegemonic political narratives. It is thus not surprising that archives in South Asia have become an object of postcolonial critique. In this regard, N. Dirks' (2001) thoughts on the colonial archive and the formation of colonial knowledge are paradigmatic. Dirks (ibid.: 81) points out that the establishment of archives was a necessity for the colonial state, which had to engage with the records of precolonial history for revenue settlement and military expansion, as well as social, religious and political intervention and governance. Accordingly, archives were a crucial part of the colonial informational regime (ibid.: 116). But besides this pragmatic aspect, archives played a fundamental role in the colonial state's search for legitimacy. Since colonial rule did not rest on political representation, bureaucracy was the building block of the colonial regime (ibid.: 123). Therefore, archives as direct manifestations of the documentation project of bureaucratic rationality are mirrors of the colonial governmentality and the colonial sociology of India (ibid.: 105). Non-British voices, actors and truth regimes were marginalised, silenced and relegated to footnotes:[21]

20 http://catalogue.socanth.cam.ac.uk:8899/exist/servlet/db/Hodgson/hodgson.xq [accessed 28 February 2017].

21 However, another strand of scholarship tries to circumvent the official truth embodied in the colonial archive and to recover local histories of popular resistance, subversion and human agency by reading between the lines of colonial documents (see Stoler 2002: 99–100, also for a critique of this approach).

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> The archive, that primary site of state monumentality, is the very institution that canonizes, crystallizes, and classifies knowledge required by the state even as it makes this knowledge available to subsequent generations in the cultural form of a neutral repository of the past. … Colonial conquest was about the production of an archive of (and for) rule. (ibid.: 107)

However, another strand of research has highlighted that the colonial archive rested at least partially on precolonial techniques of knowledge gathering, enumeration habits and bureaucratic procedures (see Peabody 2001). Therefore, studying pre- and non-colonial archives as manifestations of the state imagination of society and governing strategies provides insights not only into the emergence of colonial rule, but also into the different modes of precolonial or early modern governmentality. For South Asia and even for a non-colonised state like Nepal, this raises a number of questions: was the institution of the archive an emulation of similar institutions in British India or did it emerge out of earlier practices? Which hidden vision of society and collective identity is embodied in the Nepalese archives? Which forms of knowledge were privileged and sanctioned? How did state archives in Nepal interact with religious and community-based archives and what can this tell us about the local and regional webs of power?

Several contributions in this volume address these questions. A. von Rospatt shows that in Nepal archival traditions flourished outside the ambit of the state and palace. Such grass-root practices contributed to the stabilisation of community identity and created precedents and models for the organisation of collective tasks. G. Krauskopff's article demonstrates that even records from state or colonial archives can be read against the grain, bringing to light the manifold practices of everyday resistance of marginalised and subaltern groups in the course of consolidating and centralising state power. Comparable observations can be drawn from other regions treated in this volume. The Bālānandī Maṭh of Jaipur, a seat of Rāmānandī Nāgās, increasingly resorted to practices of documentation in order to keep judicial autonomy from colonial agencies in issues of authority and ownership within the religious lineages (Horstmann, this volume). R. O'Hanlon shows that practices of documentation in early modern Maharashtra were not imposed top-down, but flourished in localised settings where the rules of the judicial administration were negotiated within the different communities. The documents from local archives of a Tibetan-speaking

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enclave in Nepal's Mustang district, presented by C. Ramble, reveal that, despite the overall tendencies of unification of state power, communities maintained their local diplomatic tradition for community affairs and developed a hybrid documentary register when dealing with central institutions.

Not only the strong presence of non-state archives, but also the advent of new digital methods in archival practice requires new thinking about power and knowledge in the context of the archive. The universal accessibility of the material of a "digital archive" allows hitherto excluded social actors to re-appropriate hegemonic categories or challenge dominant narratives embodied in state archives. On the other hand, the same universal accessibility poses new moral dilemmas, especially when it comes to community-based archives. What if the restricted access to such document collections is part of a community identity and its public display alienates the community members from 'their' artefacts? To what extent can the modern scientific demand for transparency in these cases itself turn into a hegemonic strategy?

Building up databases of historical documents has become a worldwide trend, as G. Vogeler shows in his paper in this volume. He stresses that "the genre fits very well the intellectual scheme of a database" (p. 89), with each document and its metadata conveniently filed as a dataset. With new ways of digitally conserving large document corpora and providing easy access via online databases, fresh challenges emerge. The production of such "big data" circumvents the problem of having to determine what is important and what is not. What certainly is an advantage, as it does not apply a necessarily biased filter and leaves the question open to be answered differently by different research approaches, can also become a liability. One may become 'lost in the archive' without ever scrutinising whether and why archiving as such might be a useful activity, or whether the new databases are just the digital appendix of a collecting mania born of the Western post-enlightenment preoccupation with categorising the world. Should all human cultural productions be conserved or is there also a right for them to be forgotten?

The Heidelberg project on Nepalese documents has opted for a two-track digital concept. On the one hand, by aiming at cataloguing all documents available, it makes them known to a wider community and facilitates access. On the other hand, by digitally editing selected specimens, the target is to explore the potential of the corpus along the lines of content-related research questions. Employing and

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developing digital editing methods involves adapting the philological tools to the genre. As documents are usually singular codices and, as we have argued, exhibit a special language style, the apparatus of textual criticism can be reduced in comparison with other textual genres. The stress here is more on detecting and reproducing orthographical, grammatical, and lexical peculiarities than on correcting and standardising texts. To provide sustainably open data that remain true to the textual material they represent and allow for use beyond the limits of a singular project, however, calls for definitions of standards for digital annotation, coupled with a careful calculation of the cost-benefit-ratio. Even if, luckily, predefined standards, notably of the *Text Encoding Initiative* (TEI), already exist, these have to be tailored to the needs of an individual project and have to be constantly discussed in new forms of collaboration, both within research teams and in the larger scientific community. In the long run, such an approach allows gaining a considerable increment value of digital editing in comparison to analogue editing. On the basis of a number of initially manually annotated digital texts, self-learning computer-based tools, e.g. a lemmatiser, or optical character recognition (OCR) software, can be developed to facilitate the editing process. The identification of entities, such as persons or places, and their networking within and beyond single corpora is another desideratum of digital research in documents. As C. Sibille (this volume) shows, the competing meta-approaches to handling data about persons each has its advantages and disadvantages. She argues for the careful maintenance of entity-related data within projects and a general openness to new developments, especially to future possibilities of the semantic web.

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Diplomatics

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Towards a South Asian Diplomatics: Cosmopolitan Norms and Regional Idioms in the Use of Documents

Timothy Lubin

Introduction

South Asia has since the 3rd century BCE been the center of a distinctive diplomatic culture. Despite the twists and turns of history, and the extreme ethnic and linguistic diversity of the Subcontinent and its peripheries, this culture (as I will argue) exhibits a demonstrable set of family resemblances that appear with great continuity over many centuries. These features include both formal structural patterns and distinctive phraseology. This article represents a preliminary reconnaissance to identify some of the oldest distinctive features as they appear in the early records. As will be evident, the results will be limited by the eclectic character of the sparse sources surviving from the first millennium CE and before, but it should also become clear that these sources illustrate the emergence over time of norms for the production of official documents, norms that grew more formalized and more elaborate as they were adapted to serve other and more specialized legal or administrative purposes.

This diplomatic culture can be investigated on the basis of two interconnected sets of sources: actual surviving documents, and learned texts prescribing the form of such documents (and sometimes exemplifying them). The latter texts include Kauṭilya's *Arthaśāstra*, the classical Dharmaśāstras, including the medieval commentaries and digests based thereon, and formulary compendia from the later medieval period, which focused on providing models. Donald Davis (2016) translates and discusses a short section of the medieval digest *Smṛticandrikā* by Devaṇṇabhaṭṭa on this subject. He finds there a sharp distinction between "royal documents," which serve strictly political

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rather than "legal" purposes, and "popular documents" which are precisely legal in the sense of justiciable. One formal difference is that a popular document is authenticated by witnesses, while a royal document stands on a king's own authority and is not, Davis says, "a record of legal arrangements intended for evidentiary use in courts" (Davis 2016: 173). In spite of this, however, we will note that in practice the distinction gets blurred.[1]

The earliest reference to documents as legal instruments and evidence in court is probably Kauṭilya's *Arthaśāstra* (composed in the 1st century CE, and revised a century or two later).[2] Kauṭilya is unique among ancient authors in referring to such documents with the word *deśa* (3.1.19, perhaps with the literal meaning "evidence");[3] elsewhere the term *āgama* is employed (*Arthaśāstra* 4.6.7; *Mānavadharmaśāstra* 8.200; *Yājñavalkyadharmaśāstra* 2.27),[4] or words that refer to the writing (*lekha*) or physical support (*pattra/patra/pātra*, *paṭa*).[5] The shastric redactor of the *Arthaśāstra* (2.10) further adds a discussion of royal decrees (*śāsana*) and their written form (*lekha*), which provides an opportunity for offering guidance on good composition, but the

1 It is true that a king cannot be sued in a court of law, but royal documents were certainly offered as evidence in lawsuits. In his lengthy comments on the plaint in *Nāradasmṛti*, Asahāya quotes a stanza: "With regard to an edict (*ājñā*), a document (*lekha*), a title (*paṭṭaka*), a grant (*śāsana*), a pledge (*ādhi*), a letter (*pattra*), a purchase (*vikraya*), a sale (*kraya*), the first to bring one of these matters to the attention of the king is known as the plaintiff, according to the experts in the rules" (2.38: *ājñā lekhaḥ paṭṭakaḥ śāsanaṃ vā, ādhiḥ pattraṃ vikrayo vā krayo vā | rājñe kuryāt pūrvam āvedanaṃ yas tasya jñeyaḥ pūrvapakṣaḥ vidhijñaiḥ*). Asahāya goes on to give examples of plaints supported by a *śāsana*: "He does not heed the edict of the king. … He has seized this village granted to me, and is enjoying [the revenue from it]; it is mine; here is the grant" (*ayaṃ madīyaṃ śāsanagrāmam avaṣṭabhya bhuṅkte. mamedam. śāsanaṃ tiṣṭhati*) (Lariviere 1989: I, 39–40; tr. adapted from II, 236). I give examples of such plaints in Lubin 2013 and 2015.

2 See for example *Arthaśāstra* 3.1.19, 3.16.29, 4.6.9, 4.9.15. *Vasiṣṭhadharmasūtra* 16.10 and 16.14–15, where a written document (*likhita, lekhya*) is mentioned alongside witnesses (and in 16.10, also possession, *bhukti*) as proof in a dispute over property, is probably based on *Arthaśāstra*, as *Mānavadharmaśāstra* and the later Dharma codes certainly are. Written documents are not mentioned in the other Dharmasūtras.

3 Olivelle (2013: 52) points out that where Manu quotes a passage from the *Arthaśāstra* containing this term, the commentator Medhātithi does not recognize its meaning. Kauṭilya also employs the word *karaṇa* (evidence, especially in the form of a document, including receipts); see *Arthaśāstra* 3.1.15–16, 3.12.37.

4 Meyer (1926) and Kangle (1972: II, 270) take *āgama* to mean "origin" or "acquisition", respectively.

5 A declaration of the result of a court case is called *paścātkāra* (*Arthaśāstra* 3.19.22; *Kātyāyanasmṛti* 264); later, the term *jayapattra* becomes usual. In the medieval records, terms for various sorts of document proliferate.

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structure of such decrees is not prescribed in detail. *Śāsana* here seems to be used as a generic word for any sort of royal communication that is reduced to writing. In addition to the Śāstras, a few medieval formularies have survived, which provide models for documents and letters.[6]

As regards actual documents, it must be emphasized that we must consider not only documents on perishable supports, which for premodern periods are very few, but also a large proportion of surviving inscriptions on metal or stone, which are nothing but permanent copies of documents originally drafted on palm leaves, bark, cloth, or the like. Many types of documents described in the learned literature can be found preserved in inscriptional form. The private letter is least well represented, of course, though some of Aśoka's inscriptions as well as the Niya documents take the form of letters from a king to one or more of his officers, on the subject of policy or legal instructions.

Documents as Sources for Diplomatic Conventions

While it makes good sense to consult learned sources to see how "the tradition" itself canonizes the forms and purposes of documents, the other, more direct but in some ways more daunting approach is to look to the extensive body of surviving documents to identify the building blocks of an emergent diplomatics in the South Asian cultural area. In fact, several scholars working on particular collections or regions have presented case studies.[7] Each of these, naturally enough, attends to the particular corpus at hand. The first study designed to treat early copperplate grants expressly from the standpoint of diplomatics was a 1961 essay by Bahadur Chand Chhabra, who dealt with early North Indian copperplate land-grants as a general type.

My approach depends upon such path-breaking studies, but differs in that I consider documents from a wide variety of periods and regions

6 Ingo Strauch's 2002 edition and translation of the *Lekhapaddhati-Lekhapañcāśikā* includes a valuable discussion of what the older classical Śāstras had to say about documents.

7 For public documents and private letters, Strauch 2002: 68–74; for Newari sales and mortgages, Kölver/Śākya 1985: 31–51; and for Newari donations of the *nikṣepa*-type, Kölver 1997: 126–128. Michaels 2010 surveys the range of published source texts available. South Asian diplomatic conventions are often strikingly similar to those developed in the European tradition, studies of which (especially, Redlich 1907) can provide a framework for comparative analysis. Besides Strauch and Kölver/Śākya, Schneider 2002 and Michaels 2010: 66–67 take steps in that direction.

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of India (and Indian-influenced spheres) with an eye to commonalities as well as differences of context and form. My aim is to call attention to patterns across periods, regions, and document types, which point to a diffusion of diplomatic structures and compositional elements. This diffusion, I argue, must be explained in terms of a diffusion of literacy expertise, the precise contours of which remain at this point almost totally obscure. To speak of a "South Asian diplomatics" entails a vast purview, over which no individual could have full command. In default of that, I have been focusing on the older documents from selected but widely dispersed subregions as a way of sampling a wide area and observing the ways in which cosmopolitan norms get introduced into regional literary idioms.[8]

Formulaic Elements in Aśoka's Edicts

Although in comparison with all later Indian epigraphy the famous edicts of the Maurya emperor Aśoka (mid-3rd century BCE, mostly in Prakrit dialects) have generally (and to a large extent quite correctly) been seen as unique in form and purpose—not least for their intensely personal, even confessional, tone—nonetheless the edicts introduce structural elements and even particular expressions that persist in later epigraphy.

Of these one of the most basic features is the embedding of the content of a royal decree within a statement expressing the issuing of the order and/or its recording in writing. The framing devices used in Aśoka's edicts are not wholly consistent. Leaving aside the salutation to his officers included in some places, most versions of the Minor Rock Edict (MRE; the earliest of Aśoka's decrees) formally begin:

> *devāṇaṃpiye hevaṃ āha* ("The Beloved of the Gods speaks thus"):[9]
>
> (CONTENT of the decree follows)

The (major) Rock Edicts (RE), issued in years 12 and 13 of his reign, are not regular in format, but RE 3, 5, 6, 9, and 11 all begin with a fuller version of the MRE opening:

8 This is an issue I addressed in Lubin 2013.
9 The texts of the edicts given here follow Bloch 1950.

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devānaṃpiye piyadassi lāja hevaṃ āha:[10]
(CONTENT)

RE 1 and 14 instead begin with (and RE 4 ends with) a statement that "this *dharma*-inscription was caused to be inscribed" by him:

iyaṃ dhaṃmalipī devānaṃpriyena priyadassina rāṇṇā lekhāpitā:[11]
(CONTENT)

The format looks better established by the time of the six Pillar Edicts (PE). Each of these begins with the *hevaṃ āha* formula in its longer Rock-Edict form, and the content of the king's utterance is prefixed in two cases and closed in PE 6 by a statement that he caused the inscription to be written in the twenty-sixth year since his consecration, adapting the *lekhāpitā* formula used earlier in RE 1 and 14:

devānaṃpiye piyadassi lāja hevaṃ āhā:
saḍuvisatiyassābhisittena me iyaṃ dhaṃmalipi likhāpitā
(PE 1, 4, 6):[12]
(CONTENT)

The content of the edict closes with the quotative particle *ti* in PE 1, 2, and 4. The last of the regular set, PE 6, begins by recalling an earlier *dhaṃmalipi likhāpitā* in the twelfth year, and places the *likhāpitā* formula referring to the present inscription at the end.[13] The so-called seventh pillar edict, added solely to the Delhi-Topra pillar one year later, contains in fact a whole further set of short edicts, each introduced by the *hevaṃ āha* formula.

Viewed comparatively in terms of European diplomatics, the *hevaṃ āha* formula seems to serve the double role of *intitulatio* and *promulgatio*, that is, providing the name and title of the issuer and his intended purpose (also called the notification). This dual character shows up clearly in that the verb *āha*, "speaks" (or the passive participle *lekhāpitā*, "was caused to be inscribed [by him]" in RE 1 and 14) is

10 With varying orthography.
11 Girnar reading.
12 Omitted in PE 2 and 3.
13 PE 5 also includes a phrase beginning with *saḍuvisativasābhisittena me* but concludes it with the actual enactment: "in the twenty-sixth year since my consecration, I made these animals inviolable".

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occasionally substituted by some form of the causative verb *ānapayati*, "gives the order", either conjugated in the active voice or as a past passive participle. We see it first at Brahmagiri and Erragudi in the Mysore region. Brahmagiri and Panguraria stand apart from most versions of the MRE in opening with the formula *devānaṃpiye ānapayati* rather than *devānaṃpiye [hevaṃ] āha*.[14]

Seven copies of the MRE near Mysore also include a supplement not found in elsewhere (often called MRE 2). Most begin with the more usual *hevaṃ devānaṃpiye āha*,[15] but four versions continue by saying that the Rājuka officer is to be given the order (*ānapitaviye/ānapayātha*), and he will in turn convey the order (*ānapayisati*) to the people and the district heads in order that they obey what he says.[16] The recipients of the king's order are further told in direct address: "You yourselves, order thus by the words of the Beloved of the Gods ..." (*hevaṃ tuṃphe ānapayātha devānaṃpiyavacanena*).[17] Finally the Erragudi edict closes with the words *hevaṃ devānaṃpiye ānapayati*, "thus the Beloved of the Gods orders" (the affirming *dispositio*).[18] The Kosambi inscription also begins *devānaṃpiye ānapayati*.

The two functions of *intitulatio* and *promulgatio* are separated into two distinct clauses in RE 1, 4, and 6 (above), and in RE 3, where the past participle *ānapayite* is substituted for *dhaṃmalipi likhāpitā* in the now separate *promulgatio*:

devānaṃpiye piyadassi lāja hevaṃ āhā:
duvāḍasa vassābhisittena me iyaṃ ānapayite:[19]
(CONTENT)

14 Gujarra opens: *d[e]v[ānā]ṃpiy[asa] piya[da]sino asokarāja*; Maski opens: *dev[ā]naṃpiyasa asok[a]sa* - - - - - - - . For the texts of all known copies of the Minor Rock Edicts, I refer to Andersen 1990, with a conspectus of versions in ch. 3.

15 Brahmagiri: *se hevaṃ devānaṃpiyena*; Nittur and Udegolam include *rājā asoko* and have *hevaṃ* just before *āha*.

16 Erragudi and Rajula-Mandagiri read: *yathā devānaṃpiye āhā tathā kaṭaviye rajūke ānapetaviye se dāni jānapadāni ānapayisati raṭhikāni ca*; Nittur and Udegolam instead read: *tuphe ānapayātha rajūkaṃ ānapayisati jānapadaṃ ca janaṃ raṭhikāni ca* (with orthographic variations and some unclear graphs).

17 With minor orthographic variations; Nittur and Udayagiri have a longer version: *hevaṃ tuphe rajukaṃ ānapayātha se dāni devānaṃpiyasa vacanena ānapayisati ti*.

18 Siddapura and Jatinga-Rameśvara have instead: *hevaṃ dhaṃme devānaṃpiya... kaṭaviye* "Thus *dhamma* is to be performed [by the command of?] the Beloved of the Gods."

19 The Kalsa reading.

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King Piyadassi, Beloved of the Gods, speaks thus:
When I had been consecrated twelve years I issued this command:
...

Hence, the edicts of Aśoka introduce the king's decrees by saying either that he "says thus" or that he "orders" or "causes to be inscribed" those things which he wishes to be enacted by his officers and by the public at large. Introductory clauses of this sort later become a common feature of South Asian royal decrees.

Another documentary convention first attested in Aśoka's edicts is the "perpetuity clause," stereotyped idioms expressing the idea "of long duration" or "as long as the moon and sun," usually inserted near the end of a document, thus constituting an early prototype of the "classical" eschatocol, which calls upon later kings to recognize and enforce the order or deed, and includes penalties and/or imprecations directed at those who would violate its terms:

etāye aṭṭhāye iyaṃ dhaṃmalipi lekhitā; ***cilatthitikyā*** *hotu tathā ca me pajā anuvattatu*
This *dharma*-inscription was written for this purpose; let it endure long and let my children likewise follow it. (RE 5)

se etāye atthāye iyaṃ kaṭe ***puttāpappotike caṃdamasuliyike*** *hotu ti tathā ca anuppaṭīpajjaṃtu ti. ... sattavisativassābhisittena me iyaṃ dhaṃmalibi likhāpāpitā ti etaṃ devānāṃpiye āhā. iyaṃ dhaṃmalibi atta atthi silāthaṃbhāni vā silāphalakāni vā tatta kaṭṭaviyā* ***ena esa cilaṭṭhitike*** *siyā.*
I have made this for this purpose: that it may [endure] with my sons and great-grandsons [as long as] the moon and sun, and that they may assent to it. ... When I had been consecrated twenty-seven years I had this dharma-inscription inscribed. Thus speaks his majesty: wherever there are stone pillars or stone slabs, this dharma-inscription is to be made; may it thereby long endure. (PE 7 [Delhi-Topra])

[saṃ]ghe [sa]magge kaṭe bhikkhūnaṃ cā bhikkhunīnaṃ cā ti ***puttapapottike candamasūriyike*** *... icchā hi me kiṃti saṃghe samagge* ***cilatthitīke*** *siyā ti.*

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> The *saṃgha* both of monks and of nuns is made united as long as (my) sons and great-grandsons (shall reign, and) as long as the moon and the sun (shall shine) … For my desire is that the *saṃgha* may be united (and) of long duration.[20] (Sanchi Edict)

This phrase will recur over the centuries in several variations, but always mentioning the moon first, and almost always in deeds of gift of property. So it is especially noteworthy that it assumes this function even in Maurya times. One of Aśoka's other innovations was the gift of man-made 'caves' as residences for ascetics. The cave residences in the Barabar and Nagarjuni hills bear inscriptions registering the gifts. The Barabar inscriptions simply say that each individually named cave "was given by King Piyadasi to the Ājīvikas" (*lājinā piyadasinā … dinā ājīvikehi* [thus caves B2, B4]). For the three Nagarjuni caves, nearby, the nominal grantor is Aśoka's grandson, Daśaratha Devānaṃpiya, but Falk thinks that his role was simply to complete a benefaction initiated by Aśoka before his death, as suggested by the use of the participle *niṣiṭhā* ("handed over" = Skt. **niḥsṛṣṭa*) rather than *dinā,* "given".[21] Be that as it may, Daśaratha is clearly imitating Aśoka's formulae, styling himself "Beloved of the Gods", dating the grant in relation to his consecration (in this case, *ānaṃtaliyaṃ abhiṣitenā,* "as soon as [he was] consecrated") and, in all three caves, specifying that the caves are handed over "for as long as the moon and sun" (*ācaṃdamaṣūliyaṃ*)—now using the adverbial form of the compound prefixed with the preposition *ā* (rather than the adjectival *candamasūriyike*).

It is worth noting that these cave-grants represent another precedent that would be repeated down the ages: the fraudulent alteration of property deeds to obscure or alter the original terms of the grant. In most of the Barabar and Narayani cave dedications, an effort was later made to efface the word *ājīvikehi* ("to the Ājīvikas"), no doubt at a time when the caves had been taken over by members of a rival group.

Aśoka's "order-issuing" expressions survive as a legalistic reflex in the *ājñapti*-clause in later inscriptions, which identifies the one issuing the order. When this is the ruler himself, this is indicated by some additional words, such as *svayam* ("myself") or a reference to the king's own mouth (as in Aśoka's RE 6).

20 Translation from Hultzsch 1925: 161.
21 Falk 2006: 256–257. My remarks on the cave inscriptions are based on Falk's texts and images (ibid.: 255–279).

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Royal Orders in the Niya Documents

K.R. Norman (1982: §B.7) was the first to observe traces of "covering letters" that accompanied the text of some of Aśoka's edicts, traces that have been preserved by being inscribed along with the edict.[22] Harry Falk (2006: 57–58) in fact regards all of the so-called Minor Rock Edict 2 as having originally been intended only to communicate instructions to local officials. Some later Indian inscriptions do begin with greetings to local officials, but for the most part, personal letters have not survived, and we must wait for late medieval formularies such as the *Lekhapaddhati* and the *Lokaprakāśa* to see examples.

However, just before and overlapping with the rise of the Pallava and Gupta states, a trading kingdom on the Silk Road at Niya (a.k.a. Shanshan or Kroraina) has left us a trove of 3rd/4th-century CE letters in Gandhari-derived chancery Prakrit, written in the Kharoṣṭhi script.[23] These are administrative letters from the ruler to an official with instructions for resolution of legal cases. A large proportion of them begin, seemingly in a paraphrase of Aśoka's *intitulatio*:

mahanuava maharaya lihati: ...
His majesty the king writes: ...

Although the administrative and legal institutions amply reflected in them have many local features not to be found in South Asia proper, the documents as such, in a form of the Gandhara dialect, reflect formal features of Prakrit composition. In any case, although Niya represents a remote outlier in the South Asian cultural sphere, it provides a rich source of exemplars of early Common Era legalese.

To begin with, the majority of the official letters address unresolved legal complaints and disputes. These have a very regular structure. They usually open with the king identifying himself as the author (in the *intitulatio*), then stating the name of the addressee (*inscriptio*) and the purpose of the letter (*promulgatio*):

mahanuava maharaya ***lihati:***
X-ṣa maṃtra deti, ṣaca: ...

22 For further discussion, see von Hinüber 2010.
23 The texts of these documents are collected in Boyer et al. 1920–1929, and translated in Burrow 1940.

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His majesty the king **writes:**
he **instructs** [officer X], **to wit:**[24] …

Next, in the main body of the order (the *contextus*), the petitioner or plaintiff is identified, followed by a summary of the state of the matter:

*ahono iśa Y **viṃñaveti yatha** …* (e.g., nos. 3, 6, 7, 13, 14, 46, etc.)
Now here Y makes a request that …

*ahono iśa Y **garahati yatha** …* (e.g., nos. 1, 11, 21, etc.)
Now here Y makes a complaint that …

The dispute (*vivada*) or complaint having been described, the officer addressed is instructed either to resolve the case himself, or to send the parties to the king's court for final adjudication. In the vast majority of examples, the phrasing here is quite standard, with the essential elements noted below, with common optional clauses and expressions in brackets:

yahi eda kilamudra atra eśati praṭha atra [eda vivada] [samuha] anada prochidavo [śavathena sacāhiyena][25] *… **yatha dhaṁena niče kartavo***
[[atra] na paribujiśatu [cavala] hastagada [kartavo] [rayadvaraṃmi] iśa viṣajidavo][26]
*[[iśemi/yaṃ kala rayadvaraṃmi] [samuha] [bhaviṣyati/ garahiṣyati] **niče bhaviṣyati/hačhati/siyati**]*[27]
When this sealed wedge-tablet reaches you, you must forthwith here carefully investigate [this dispute] [in person] [with oath and witness], …; **a decision should be reached according to *dharma*.**
If you should not understand something [in this], they are [quickly] to be sent here [to the king's court], [having put them] in custody.[28]

24 On the particle *saca*, see Burrow 1937: 128.
25 Or: *śavatha sasačhiyena*.
26 This clause is included only in nos. 1, 6, 7, 9, 11, 12, 15, 18, 24, 27, 32, 37, 45, 47, 49, 53, 61, 62, 63, 71, 124, 192, 235, 240, 262, 265, 286, 297, 312, 352, 356, 364, 386, 392, 408, 423, 433, 473, 480, 481, 482, 503, 509, 526, 530, 538, 542, 545, 548, 551, 555, 606, 636, 719, 729, 734, 736, 738, 739, 741; cf. 471, 492.
27 This clause is included only in nos. 3, 24, 27, 32, 45, 47, 53, 61, 62, 71, 235, 240, 260, 265, 312, 344, 347, 352, 356, 364, 386, 423, 433, 473, 480, 481, 484, 503, 509, 538, 545, 555, 606, 636, 729, 736.
28 Nos. 548 and 555 add: "at a time when there is peace and safety (*yogakṣema*) on the road" (*paṃthaṣa yoǵačhemakalaṃmi*).

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[Here/when-in-the-king's-court [one will be present/make complaint] [in person], **there will be a decision.**]

Several documents describe themselves as conveying a royal order (*anati*),[29] sometimes in the form of a sealed wedge-tablet (*anati kila-mudra*, no. 193). The author may reference an earlier "order-document spelled out in full" (*livi-vistarena anati-lekha*, no. 4) that has not yet been acted upon, or a future order yet to be issued (nos. 169, 169). These letters exhibit the author's consciousness of their status as documents, and sometimes refer to the need for their own preservation: "This document is to be carefully preserved" (*eṣa lekha [lihitaǵa, pravaṃnaǵa]*[30] ... *anada dharidavo*) (Burrow 1937: 34–35, 40, 53).

Although nothing quite like these letters has survived from India proper, we should note that Indian grants likewise begin with the king's statement of authority, often designating the official responsible for executing the order (*ājñapti*) and the petition (*vijñapti*) that formed the occasion for the decree (*śāsana*).

Early Post-Aśokan Prakrit Documents

The documents considered so far emanated from an avowedly Buddhist king (though he patronized various groups), and from an Indianized state in a Buddhist cultural environment. Post-Aśokan epigraphy in India continued for some centuries to be composed in some Prakrit (mostly western rather than eastern, reflecting the shift of political power from Magadha to western-central India) (Salomon 1998: 76–77), and recording gifts mostly favoring non-Brahmanical religious groups. At first, most of these were simple labels or dedicatory inscriptions that served mainly to name (and thereby bring blessings upon) the donor of an image or other object. The Sātavāhana kings, however, began making grants recorded in more complex documents that included a statement of stipulated privileges linked to the grant.[31] Donative records thereby came to serve the further, legal purposes of

29 Burrow (1937: 17) takes *anati* (rather than the expected *añati*, cf. Skt. *ājñapti*) to be a loan form.

30 *pravaṃnaǵa* corresponds phonetically to Skt. **prapannaka* (Burrow 1937: 107), but as with Khotanese *pravanāja* "registered, set in the account" Bailey (1961: 70) "would trace the word to Skt. *prati-panna-ka* with the meaning of *prati-pad-* 'enter in an account'..."

31 Nos. 1105, 1124, 1125, 1126, and 1195 in Lüders' (1912) list.

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recording and guaranteeing the beneficiary's special rights. The earliest such examples, recording the donation of land and villages to Buddhist monks, are inscribed in stone in cave monasteries, but the format was probably already in wider use on other media; the stone inscriptions themselves refer to documents (*paṭ[ṭ]ikā*) being prepared and handed over to the beneficiaries.[32] From the 4th century, copperplates would become the usual material for making durable copies of documents of this type.[33]

In this transition, certain diplomatic features pointed out so far persist. For example, even the early Prakrit land-grants of the Sātavāhanas, Pallavas, and Śālaṅkāyanas include clauses stating the authority issuing the order (the sovereign himself in the early examples) and calling for the production of a document: e.g. *aviyena āṇataṃ* ("ordered by myself") and *datā paṭikā* ("the document was given") in the Nasik cave inscriptions; and *āṇatī sayatti dattā paṭṭikā* ("the document has been given by my own order") in the Maidavolu plates.[34] By the 5th century, the formula, now in Sanskrit, was made more emphatic by the mention of the king's "own mouth".[35]

The Nāsik inscription of Gautamīputra, year 18, for example, records a gift of fields totaling 200 *nivartanas* to some Buddhist monks

32 Record nos. 11, 12, 13, and 19; the last portion of no. 1195 has been lost. The support used for grant documents is specified as tablets or plates (*phalaka*) in one western Kṣatrapa grant of year 45: *phalakavāre caritrato ti* ("[This has been recorded] at the repository of tablets according to custom", Sircar 1965a: 99; 1965b: 166). The *phalaka* was probably of wood, though Aśoka's PE 7 (cited above) mentions *silāphalaka*, 'stone slabs'.

33 "There is clear evidence, however, that the origins of the copper plate charters or their prototypes go back farther than the 4th century, for some of the donative cave inscriptions of the Western Ksatrapa and Satavahana kings from Nasik, datable to the first or second century, are evidently copies on stone of original documents written on portable materials, possibly copper" (Salomon 1998: 114).

34 Maidavolu plates, ll. 27–28; cf. *sayam āṇataṃ*, "Ordered by myself" (Hirahadagalli plates, l. 49). In this same period, we also see the appearance of an official given the role of executing the order; in later Sanskrit inscriptions he is commonly designated as *ājñapti*, but the Guṇapadeya CP of Queen Cārudevī (no. 1327 in Lüders' list) concludes with the statement: *āṇatti rohaṇ[ī]guttātti*, "The *ājñapti* was *Rōhiṇigupta*". The Prakrit word is used in the Maidavolu grant with reference to the king himself. The Śālaṅkāyana grants include the oldest surviving copperplate grant, the Patagandigudem (Kallacheruvu) CP, set I, from the reign of Siri-Ehavalacāntamūla (Griffiths/Tournier n.d.: no. 55; cf. nos. 159–162).

35 E.g., *bhaṭṭ[ā]rakā[ṇāṃ] svamukhājñāptyā likhita[m i]daṃ*, "This was written by the command from the king's own mouth" (Omgodu plates, l. 32); *prabhos svamukhājñāptyā neminā likhitaṃ*, "Written by Nemi by the command from the king's own mouth" (Mangalur plates of Siṃhavarman, l. 36).

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for their support.[36] This inscription exhibits several features of what will become a standard framework of a South Asian land-grant. It begins with an introductory portion announcing the royal order, including further particulars of time or (as in this case) place, and identifying the officer responsible for seeing the order enacted. This is followed by the order itself (indented in the text below), which includes a description of the property, followed by a list of five special privileges accorded to the recipient. In this record, each of the five "exemptions" (*parihāra*) is expressed in a single word or compound; in later epigraphy, the number of such privileges grows, and they are sometimes described at more length.[37] Here, I represent the exemptions in bold letters:

> *sidhaṃ , senāye Vejayaṃtiye vijayakhadhāvārā govadhanasa Benākaṭakasvāmi Gotamiputo Sirisadakaṇi ānapayati Govadhane amaca Viṇhupālita .*
>
> *gāme aparakakhaḍiye ya khetaṃ Ajakālakiyaṃ Usabhadatena bhūtaṃ nivatanasatāni be 200 eta amhakheta nivataṇasatāni be 200 imesa pavajitāna Tekirasiṇa vitarāma , **etasa casa khetasa parihāra vitarāma apavesa anomasa aloṇakhādaka araṭhasavinayika savajātapārihārika ca , etahi naṃ parihārehi pariha[re]hi , ete casa khetaparihā[re] ca etha nibadhāpehi , aviyena āṇataṃ ,** amacena Sivagutena chato , Mahāsāmiyehi uparakhito , datā paṭikā savachare 10 8 vāsapakhe 2 divase 1 , Tāpasena kaṭā*

Success! From the camp of victory of the Vejayantī army Siri-Sadakaṇi [Śrī-Sātakarṇi] Gotamīputa, the lord of Benākaṭaka of Govadhana, orders Viṇhupālita, the officer at Govardhana:

> The Ajakālakiya field of two hundred 200 *nivartanas* in the village of Western Kakhaḍi, previously) owned by Usabhadata—that our field of two hundred 200 *nivartanas*—we confer on those Tekirasi ascetics (*pavajita* = Skt. *pravrajita*); and to that field we grant immunity, (making it):

36 No. 1125 in Lüders' (1912) list; Senart 1905–1906: 71–73 (no. 4); Mirashi 1981: 23–28 (no. 11).

37 Sircar (1966, Appendix I) collects examples of such exemptions as they appear in Sanskrit records. South Indian and Javanese grants develop distinctive exemptions of their own; for examples, see Lubin 2013: 431–433; Lubin 2015: 252–254. Griffiths and Tournier understand *araṭhasaṃvināyika* as "not to be controlled by the (superordinate) territory" (Griffiths/Tournier n.d.: no. 161, with literature cited in the commentary). I thank Arlo Griffiths for his suggestions on several points in this article.

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- not to be entered (by royal officers);
- not to be touched (by any of them);
- not to be dug for salt;
- not to be interfered with by the district officials;
- to enjoy all kinds of immunities.

Invest it with these immunities, and take care to have this field and these immunities registered here. Verbally ordered; written down by the officer Śivaguta;[38] kept by the Mahāsāmiyas. The deed (*paṭṭikā*) was delivered in the 18th year, on the 1st day of the 2nd fortnight of the rainy season; executed by Tāpasa.[39]

Six years later, the same king gave the monks a further "100 *nivartanas* of our royal land on the boundary of the city" (*nagarasīme rājakaṃ khetaṃ amhasatakaṃ*), since the earlier-granted lands had not been made productive (apparently because the village attached to them was left uninhabited). The same five exemptions are conferred, with the same command that they be recorded in a document and preserved.[40]

These two records speak of the legal immunities simply as *khetasa parihāra*, "exemption pertaining to a field", but two other Sātavahana inscriptions including these exemptions on lands donated to establishments of Buddhist monks refer to them as *bhikhuhalaparihāra*, "exemptions pertaining to monks' lands".[41] Such endowed properties are called *dhama-dāna leṇa* ("*dharma*-gift cave"),[42] *dhama-setu leṇa* ("cave that is bridge to the *dharma*"), or *dāna-gāma* ("gift-village").[43]

The early centuries of the Common Era also saw increasingly more numerous indications of Brahmins receiving property endowments like those given to the Buddhists. The surviving Sātavāhana donations

38 It is perhaps noteworthy that in this and some other Buddhist endowments, the document has been prepared by an officer (*amātya*) with a 'Hindu' deity for his namesake. Such names are not necessarily an infallible index of social or religious identity, but this may reflect a situation where Brahmins occupy roles involving official records and the drafting of documents even when the rulers give more patronage to non-Brahmanical groups.

39 Text as in Mirashi 1981; Senart's (1905–1906) translation (slightly adapted).

40 No. 1126 in Lüders (1912); Senart 1905–1906: 73–75 (no. 5); Mirashi 1981: 32–35 (no. 13).

41 Karle Cave Inscription [of Gautamīputra Sātakarṇi, year 18] (no. 1105 in Lüders 1912; Senart 1902–1903: 64–71 [no. 19]; Mirashi 1981: 28–31 [no. 12]) and Nasik Cave Inscription of Vāsiṣṭhīputra Puḷumāvi, yrs. 19 and 22 (no. 1124 in Lüders 1912; Senart 1905–1906: 65–71 [no. 3]; Mirashi 1981: 49–55 [no. 19]).

42 Senart 1905–1906: 73 [no. 5, l. 5].

43 Both from inscription no. 3 in Senart 1905–1906: 65.

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include the Malavalli Pillar Inscription of Cuṭukulānanda Sātakarṇi, in Karnataka, which records an early "Brahmin endowment" (*bamhadejja* = Skt. *brahmadeya*) in favor of a Brahmin named Koṇḍamāna for the worship of a god Maḷapaḷi;[44] this grant likewise includes "all exemptions" including "no entry by officers" (*abhaṭappavesa*). Also in the south, the earliest Pallava inscriptions employ the same *parihāra* formulae, which the Maidavolu plates (ca. 305 CE) refer to as "the exemptions of all *brahmadeyas*" (*sava-bamhadeya-pa[rihā]ro*, ll. 12–13) and "with these and other rules for all *brahmadeyas*" (*etehi anehi ca sava-bamhadeya-majādāya*, ll. 16–17).[45] This seems to imply that for the Pallavas this was already a well-known arrangement. The Maidavolu list of specific exemptions (ll. 13–16) includes:

- not to be dug for salt (*alona[kh]ādakaṃ*)
- not to be interfered with by the district officials (*araṭhasaṃ[vi]nāyikaṃ*)
- not (required to supply) relief (?) bullocks (*aparaṃparābaliva[daṃ*]*)[46]
- not to be entered by officers (*abhaḍapapesaṃ*)
- not (required to provide) food, water (?), *vināśi/vinesi*, bed, and lodgings (to officers) (*akūracolakavināsikhaṭ[ā*]saṃvāsaṃ*)

It is in these Sātavāhana and early Pallava grants that we find the word *bhaṭa* or *bhaḍa* used for the first time in the exemption clause (and sometimes in the lists of addressees). In later centuries, this

44 Lüders 1912 (no. 1195); Rice 1902: 251–252 (no. 263). There is also the striking Naneghat inscription of Queen Nāganikā, which begins with an invocation of Brahmanical deities and continues with an account of the performance of the full range of Vedic sacrifices, complete with the lavish fees paid to the priests—gifts that included at least one village: Lüders 1912 (no. 1114); Mirashi 1981: 5–16 (no. 3, l. 10). Oskar von Hinüber, in a private communication (25 April 2016) suggested to me that *bamhadejja* here should be translated "most excellent gift" in accordance with textual usage in the Pali literature, e.g., *brahmadeyyan ti seṭṭhadeyyaṃ*, Buddhaghosa, *Sumaṅgalavilāsinī* 246.11 on *Dīghanikāya* 87). The *Pāli-English Dictionary* (s.v.) insists that this meaning holds even when the term applies to a gift to a Brahmin. However, the context here, including the named Brahmin beneficiary, together with the telling parallel use of the word *bhikhuhala* in grants to Buddhist monks where the listing of exemptions is concerned, suggests that the epigraphical usage must in fact be considered distinct from the scriptural usage and/or Buddhist scholastic interpretation.

45 No. 1205 in Lüder's (1912) list; Mahalingam 1988: no. 2.

46 The meaning of *paraṃparā-balivada* is not clear; my translation is based on the hypothesis that the bullocks referred to were commandeered to resupply teams drawing wagons over long distances on state business.

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becomes very common in these contexts, most often in the compound *cāṭa-bhaṭa*.[47]

The Hirahadagalli grant (ca. 338 CE) lists eight (or nine) special exemptions,[48] followed by this statement alluding formulaically to a larger set of eighteen:

> *evamādikehi aṭṭhārasajāti parihārehi visayavāsīhi apiṭṭīvāsīhi cillerekakoḍuṃkavāsīhi ca pariharitavaṃ parihāpetavva*[49] *ca tti*
> With exemptions of the eighteen kinds, including those [mentioned], residents of the district, residents of Apiṭṭī, and residents of Cillerekakoḍuṅka should exempt and cause [others] to exempt [this property].

47 On the much-debated meaning of *cāṭa*, I find the following explanation most likely to be correct: "Dr. Bühler took *cāṭa-bhaṭa* to mean 'regular and irregular troops,' an interpretation which has been generally adopted since by editors of copper-plate inscriptions. That this however is not the true meaning of the words seems to me certain, as up to the present in Chamba State the word *cār*, evidently a derivative of *cāṭa*, is used to indicate the head of a *pargaṇa* who is an executive officer responsible for the apprehension of criminals, and to whose duties it belongs to collect labourers and supplies on behalf of the head of the State and, now-a-days, of European travellers also. This explains why it was granted as a special privilege to holders of land that the *cāṭa* and his servants should not be allowed to enter it" (Vogel 1904: 247). Their duties probably included revenue collection (with the right to retain a portion thereof). Ryosuke Furui suggests (in a private communication) that the terms may have referred to different things in different regions, and he prefers to understand them, in eastern records at least, as mercenaries; he cites Choudhary 1971: 116–117. Minimally, we can affirm that the terms denote some sort of low-level officers of the state, since they are not infrequently included in the list of classes of person to whom royal orders are addressed, at the end of the roster of "all the king's men" (*aśeṣa-rāja-puruṣān*) or "dependents of the king" (*rāja-pādopajīvinaḥ*), but preceding the list of inhabitants (likewise organized in descending order of rank) (see, e.g., the Rajibpur CP [Furui 2015, ll. 35–44]). An early mention in this context is found in the Hirahadagalli CP (even though the syntax is obscure due to unclear and perhaps miswritten characters): *anne vi ca amhapesa[ṇa] ppayutte saṃcaraṃtakabhaḍamanusāṇa [kaḍhaso]* ..., "and others engaged in our service, *kaḍhaso* (?) of *saṃcaraṃtaka-bhaṭa-manuṣas*" (it is unclear whether this denotes one, two, or three classes of person, and what their syntactical relation is to the other servants or to the words that follow). In the Old Javanese deeds, the place of *cāṭas* and *bhaṭas* in the formula is taken by an apparently diverse category called "Beneficiaries of the Royal Property" (*mañilala drabya haji*), which might loosely echo the sense of *rāja-pādopajīvinaḥ*.

48 No. 1200 in Lüders' (1912) list; Mahalingam 1988: no. 3: *akūrayollakavinesikhaṭṭāvāsaṃ adūdhadadhigahaṇaṃ araṭṭhasaṃvinayikaṃ aloṇa[gu]lacchobhaṃ akaraveṭṭhīko[-]jallaṃ apāraṃparabalivaddagahaṇaṃ ataṇakaṭṭhagahaṇaṃ aharitakasākapuphagahaṇaṃ* (ll. 31–34). The exemption from entry by *bhaṭas* (the only one from Maidavolu that is missing in this list) may have in fact been alluded to in the preceding sentence, which is not clear.

49 The engraver appears to have written *harihāpetavva* by mistake.

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This instruction, addressed to villagers and officials, to "exempt and cause (others) to exempt" the property from such obligations shows a formulaic feature—the pairing of the simple verb with its causative form—that will continue to crop up in the legalese of many later documents, beginning with some Pallava Sanskrit grants. It can also be found later in documents drafted in other languages, though a sort of calquing.[50]

Another new element in the Maidavolu plates was the inclusion in the eschatocol of penalties for those who might violate the terms of the grant (the double-verb formula is used here as well):

> *jo amhasāsanaṃ atichitūna pīlā bādhā karejvā … kārāpejjā vā tasa amho sārīra[ṃ] sāsanaṃ karejāmo.*
> He who, violating our order, shall make or cause (others) to make trouble or obstruction, on him we shall impose corporal punishment.[51]

This section in later grant documents comes to include not only immediate penalties to be imposed by the king but also (and often exclusively) imprecations threating repercussions in the next life on account of the sin incurred. In Indian land-grants, this function is served by one or more admonitory stanzas, found already in the Guṇapadeya grant of Queen Cārudevī (second half of the 4th century), which quotes the Sanskrit stanza in an otherwise Prakrit record.[52]

Land Sales Embedded in Gupta-Era and Post-Gupta Copperplates

So far we have considered early features of royal orders, and more particularly the formulaic elements of royal grants of property as religious endowments carrying special privileges relating to otherwise normal obligations to the state. It is evident, though, that other sorts of documented land-transfer were common—for instance, transfer by sale—records of which have mostly not survived. However, a few early land-sale deeds have survived by virtue of being subsumed within a land-grant deed; examples are illustrated below. In a final section, I will

50 I provide examples in Lubin 2013: 427–429.
51 Mahalingam 1988: no. 2, ll. 21–24.
52 No. 1327 in Lüders' (1912) list; Mahalingam 1988: no. 4. Such stanzas are drawn from a larger pool collected by Sircar (1965a: 170–201).

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show how much later sale deeds in Gujarati-influenced Sanskrit and in Newari, though not constituting part of a royal endowment, nevertheless continue to employ phraseological conventions and documentary structures familiar from these Gupta and immediate post-Gupta inscriptions (as well as some of the even older diplomatic features already noted).

Some unusual Gupta-era copperplate land-grants—mostly issued by local or regional councils (*adhikaraṇa*) in areas under Gupta sovereignty—are records of land sales combined with transfers of rights by gift. Most examples come from the Bengal region.[53] These transactions were composed probably on palm leaves or other perishable supports and then recopied onto copperplates, perhaps because they included transfer of the right to receive tax revenue that would otherwise have gone to the king. However we should expect that simple land-sale transactions with no tax implications for the king were regularly recorded at the time, even though none have survived.

An early scholar working on these copperplate documents, Radhagovinda Basak, outlined their basic form thus:

- The petition (*vijñapti*) of the applicant, in this case to purchase a parcel;
- the purpose and terms of the purchase, according to the "local customary rate";

53 These include, from Gupta-era north Bengal (Puṇḍravardhana): the Dhanaidaha copperplate (CP) of 432 (Basak 1923–1924; Sircar 1965b: 287–288), the Kalaikuri/Sultanpur CP of 439 (Sanyal 1960; Sircar 1965b: 352–354), the Damodarpur CPs of 443, 447, 482(?), one of the same ruler as the preceding but missing its date, and 543 (Basak 1919–1920; Sircar 1965b: 291–295, 332–356), the Baigram CP of 447 (Basak 1931–1932; Sircar 1965b: 356–359), the Paharpur CP of 478 (Dikshit 1929–1930; Sircar 1965b: 359–363), the Mahatī-Raktamālā CP of 478 (Griffiths 2015; this record is the first evidence of a grant by a Gupta emperor, here Budhagupta), the Nandapur CP of 488 (Majumdar 1935–1936a; Sircar 1965b: 382–384); post-Gupta records from south Bengal (Vaṅga): the Kotalipada CP (Furui 2013), the three Faridpur CPs (Pargiter 1910; Sircar 1965b: 363–372), the Kurpala CP (unpublished, but noted in Khan 2007), and the Ghugrahati CP (Bhattasali 1925–1926); and from west Bengal (Rāḍhā): the Jayarampur CP (Sircar 1965b: 530–531; Srinivasan 1972; Tripathy 1997: 174–179), the Mallasarul CP (Majumdar 1935–1936b; Sircar 1965b: 372–377), and the Panchrol CP (Sircar 1983: 727–730; Furui 2011). The Mastakaśvabhra CP is the sole post-Gupta example from north Bengal (Griffiths 2015). There is also an unusual reconfirmation deed issued by Vainyagupta (Furui 2016), which recopies an earlier deed and includes a long list of donated properties with their sale prices. For analysis of many details of these grants, see also Yamazaki 1982 and (for their economic implications) Wicks 1992. I am indebted to Ryosuke Furui for his valuable comments and suggestions on this section (and on the article as a whole).

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- the list of relevant "government record-keepers" whose approval is needed;
- the order (*ājñapti*) sanctioning the purchase, with description of the boundaries;
- the gifting of the parcel thus purchased; and
- the formula of perpetuity and provisions for enforcement (or imprecations against violators).[54]

Each of these elements employs typical phrasing including specialized legal vocabulary. The royal grants, both because of the stature of the donor, and the ceremonial weight of the act, tend to be more elaborate on the matter of rights and privileges conferred by the grant.

To take an example, the grant called by its editor Faridpur copperplate A (Pargiter 1910) commences (after the customary reference to the local ruler) with the "petition" of the purchaser and its acceptance (ll. 4–10):

> *viṣayamahattara*-[persons named]-*purogā prakṛtayaś ca sādhanika-Vātabhogena vijñāptāḥ:*
>
> *icchāmy ahaṃ bhavatān sakāśā(t*) kṣettrakhaṇḍam upakrīya brāhmaṇasya pratipādayituṃ tad arhatha matto mūlyaṃ gṛhitvā viṣaye vibhajya dātum iti*
>
> *yataḥ etad abhyarthanam adhikṛtyasmābhir akātyer*[55] *bhūtvā pustapāla-Vi[na]yasenāvadhāraṇayā avadhṛtam*
>
> The leading men of the district … and the common folk were petitioned by the *sādhanika* Vātabhoga thus:
>
> "I wish to buy a parcel of cultivated land from you and to bestow it on a Brahmin; therefore please accept the price from me, to apportion the land in the district, and to give it (to me)."
>
> For which reason we, giving heed to this request and being in agreement, confirmed the matter with confirmation by the record-keeper Vinayasena.

The following clauses cite pricing rules governing the sale: a "current rate clause" establishing the fair price, and "copperplate deed clause" (which required the creation of the very document at hand):

54 My summary, based on Basak 1919–1920: 113–114.
55 Read: *adhikṛtyāsmābhir ekātmye*.

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astīha viṣaye ***prāk-samudra-maryyādā***[56] *caturddainārikya-kulyavāpena kṣettrāṇi vikrīyamānakāni tathāvāpakṣettra-khaṇḍalakṛtakalanīdṛstimāttrapravandhena* ***tāmrapaṭṭa-dhammaṇā*** *vikrayamānakā tac ca paramabhaṭṭārakapādānām aṃttra-dharmma-ṣaḍ-bhāga-lābhaḥ* (ll. 10–13)

There is here in this district the customary rule that has earlier been agreed upon (viz., *samudita*):[57] that agricultural fields are sold at the rate of four *dīnāras* per *kulyāvāpa*, and that the evidence of a sale is by the custom of giving a copper-plate, which custom applies immediately on seeing the counting made for the parcel of cultivated lands of such-and-such sowing area. And then, in accordance with the law here, his Highness's feet receive a sixth part [of the merit].

56 Read: *prāk-samudita-maryādā* or *prāk-saṃvṛtta-maryādā*. See the next note for discussion.

57 Like Lienhard on a similar Newari clause (see below), Pargiter misunderstands the word for "earlier" (*prāk*) as meaning "eastern" ("the rule established along the eastern sea"), in this case misled by the following word, *samudra*. All subsequent interpreters, to my knowledge, have followed without question this interpretation of both words. A comparison with the similar phrases in similar contexts shows that *prāk* should not be a direction-word in this context. *Samudra* is paralleled by words referring to the currency or regular practice of the *maryādā*. Spelling errors are not few in this record, and I am inclined to emend to *samudita* ("agreed upon, settled, customary") or perhaps *saṃvṛtta* ("occurring"). As further support for this temporal understanding of *prāk*, I would cite similar expressions with *pūrva*: ***pūrvapravṛttāṃ maryādāṃ*** *pūrvaiḥ pūrvataraiḥ kṛtām | lokāyātikavākyena na tvaṃ hantum ihārhasi* (*Viṣṇu-dharmottara* 1.108.8). We find also an epigraphical parallel in a Licchavi record of 643 restoring an earlier grant: *tad idam adhunā* ***pūrva-maryyādā-sthiti-pravartanādṛtamanobhiḥ*** *satataṅ ca prajānāṃ śreyase 'syaiva sarvatala-grāmasahitasya dakṣiṇakolīgrāmadraṅgasya tad eva bhuvaneśvaradevakulaṃ yatra* ***tatrāvasthita-kṣetra-vāṭikā-gṛha-paṇyākārair yyathā-pūrva-bhujyamāna-sīmabhis*** *tribhiḥ koṅkobilvamārgahusprinduṅgrāmair ebhir agrahāra-tvenotsṛṣṭaiś* ***cāṭabhaṭāpraveśyaiḥ sarva-koṭṭa-maryyādā-sthitimadbhiś*** *ca sahitaṃ pratimuktam iti* (Yangahiti stone inscription of Narendradeva, ll. 8–14; text as in Regmi 1983: 114–116, no. 117).

If on the other hand *samudra* were intended, it might conceivably be *sa-mudra*, "possessing a seal", hence "officially endorsed". For an instance of this usage, one might cite *Bṛhaspatismṛti* 6.24–25ab (text as in Joshi 1937: 365): *samudraṃ varṣamāsādidhanādhyakṣākṣarānvitam | jñātaṃ mayeti likhitaṃ saṃdhivigraha-lekhakaiḥ || evaṃvidhaṃ rājakṛtaṃ śāsanaṃ tad udahṛtam ||* Strauch (2002: 50) translates: "Gesiegelt, versehen mit (der Angabe) des Jahres, des Monats usw. und dem Zeichen des Aufsehers über Güter. 'Ich habe es zur Kenntnis genommen', (stehe am Ende). Es ist geschrieben von Schreibern, die (gleichzeitig) Minister für Friedens- und Kriegsangelegenheiten sind, — ein solches vom König angefertigtes (Dokument) heißt Schenkungsurkunde"; this is stanza 8.17 in Jolly's (1889: 306) translation. I am not aware, however, of any other instance of a *maryādā* being confirmed by a seal, unless the seal on copperplate deeds of this type be meant.

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Note the mention of a rule (*dharma*) that such sales must be recorded in a document (which we will see in Lienhard's Newari documents as well, below). Other inscriptions refer to such customary rates in similar terms:

*asty etat-**prāk-kriyamāṇaka-maryyādā***[58]
caturddīnārikkyakulyavāpena kṣettrāṇi vikrīyantāni
There is the following customary rule that has earlier been practiced: that fields are sold at the rate of four *dīnāras* per *kulyāvāpa*. (Faridpur CP B, ll. 13–14)

*āgamyamānā **prāk-pravṛtti-maryyādā** caturddīnā[ri]kkya-kulyāvāpena [kṣettrā]ṇi vikkrīyamānāni*
The customary previously in practice is appealed to, to wit, arable fields are being sold at the rate of four *dīnāras* per *kulyāvāpa*. (Faridpur CP C, ll. 16–17)

*astīha viṣaye **prāk-pravṛttā maryyādā***
caturddinārikyakulyavāpena pratikarakṣettrāṇi vikrīyamāṇakāni tathāvāpakṣettrakhaṇḍam akṛtakalanādṛṣṭimāttrapravandhākṣayanīvīdharmmaṇā vikrīyamāṇakās
Here in this district there is the prior-practiced custom (by which) lands yielding revenue are sold at four *dīnāras* for one *kulyāvāpa*. Plots of such *vāpa* are sold by the rule of permanent endowment, based only on sight, without performing a calculation. (Kotalipada CP, ll. 14–15)[59]

*iha khādāpāraviṣaye **(')nuvṛtta-maryyādā-sthi[ti]** XX*
nīvīdharmm[ā]kṣayeṇa labhya[te]
Here in Khādāpāra district, the customary rule that is followed is that [property] is acquired by rule of permanent endowment. (Dhanaidaha CP, ll. 7–8)[60]

iha vīthyām apratikarakhilakṣetrasya
*śaśvatkālopabhogāyākṣayanīvyā **dvi-dīnārikya-khila-kṣetra-kulyabāpa-vikraya-maryādayā** icchemahi*
Here in this district, for the enjoyment for all time of an uncultivated field that yields no revenue, we request according

58 The engraver has written *prārk-*.
59 Furui 2013.
60 Basak 1923–1924.

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> to the customary rule of selling uncultivated fields at a rate of two *dīnāras* per *kulyāvāpa*, by way of a permanent endowment. (Sultanpur CP, ll. 12–13)[61]

Further parallels are provided by the *Lekhapaddhati*'s examples of royal *śāsana* and charter deed (*pattalā*), where established norms—such as endowments currently being enjoyed (*palamāna* < Guj. *paḷavuṃ*) and taxes being raised—are to be continued *pūrvarītyā* or *pūrvarūḍhyā* ("by earlier custom"; see below).[62] There is also Viṣṇuṣeṇa's endorsement of *[pū]rvvavalamānakācārāḥ* ("norms already current/being enjoyed").[63]

The next section (the "transaction clause") describes the completion of the transaction: The purchaser, having accepted the arrangement, hands over the purchase price with an oath, upon which the parcel is duly measured off (*apaviñcya*).[64] Finally, the seller affirms (in the first person) that the property was sold in the presence of the purchaser "by the law of the copperplate" (*[a]smābhi[r] … tāṃmrapaṭṭadhammaṇā vikkrīta[ṃ]*, Faridpur CP A, ll. 16–17).

The "perpetuity clause", which here ends in *pratipāditaṃ* ("handed over"), affirms that the property has been transferred with the customary pouring of water (*udaka-pūrvveṇa*), and that it "may be enjoyed [i.e., owned] as long as the moon, stars, and sun endure," an expanded form of older versions.

The "protection clause", here ending in *pratipālanīyam iti* ("it is to be protected"), puts other rulers (some other charters specify future rulers) under the obligation to uphold the terms of the "above-inscribed" (*uparilikhita*) grant, quoting a maxim to this effect. The boundaries of the property in the four directions are stated here (in some grants, at an earlier point). And the inscription closes with an "admonitory stanza" on land-grants.

61 Otherwise known as the Kalaikuri copperplate of Kumāragupta I (Sanyal 1955–1956).

62 *Lekhapaddhati* 2.2 and 2.3 as translated and discussed in Strauch 2002: 116–124 and 244–269, esp. 264, where Strauch notes parallels with Caulukya inscriptions.

63 The "Charter of Viṣṇuṣeṇa" (592 CE), discussed and translated in Lubin 2015: 238. The word *valamāna* may be a form of the verb *val-* that is analogous to Guj. *vaḷavuṃ* ("empfangen werden, erhalten werden"; Strauch 2002: 477), or it might be an alternate orthography for *palamāna* < Guj. *paḷavuṃ* ("bewahrt werden, ernährt werden") found in the *Lekhapaddhati* (and two 13th century inscriptions noted by Strauch 2002: 264).

64 Pargiter translates the verb *apavicya* as "having severed".

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Although most of the surviving deeds of this particular type are from Bengal, many of their features appear elsewhere. The Nepalese Licchavi Yangahiti stone inscription of 643 CE, which upholds the spirit of the perpetuity clause by reinstating an earlier endowment, begins with the standard introduction of a royal order, followed by the order itself. It includes references to the customary law governing endowments, and augments the perpetuity and exemption clauses with a clause specifying that the owner may have free use and benefit of all that is comprised within the boundaries of the granted property (the "included-amenities clause"):

> *oṃ svasti … śrī-narendradevaḥ kuśalī bhaviṣyato nepālarājān samyak-pratimānyānudarśayati:*
> ***viditam astu bhavatāṃ yathā*** *dakṣiṇakolī-grāma-draṅgasya sarva-tala-grāmaiḥ sahitasya pūrvarājabhir māneśvare [bhu]vaneśvara-devakulaṃ yathākalpitāgrahārādipratyāyaṃ pālanopabhogāya* ***prati[pā]ditaṃ*** *. kenāpi ca hetunā śrī-bhūmaguptenākṣiptaṃ rājakula-bhogyam abhūt;* ***tad idam adhunā pūrva-maryyādā-sthiti-pravartanādṛtamanobhiḥ*** *satataṅ ca prajānāṃ śreyase 'syaiva sarva-tala-grāma-sahitasya dakṣiṇakolī-grāma-draṅgasya tad eva bhuvaneśvara-devakulaṃ* ***yatra tatrāvasthita-kṣetra-vāṭikā-gṛha-paṇyākārair yyathā-pūrva-bhujyamāna-sīmabhis*** *tribhiḥ koṅko-bilvamārga-husprinduṅ-grāmair ebhir agrahāratvenotsṛṣṭaiś* ***cāṭa-bhaṭāpraveśyaiḥ sarva-koṭṭa-maryyādā-sthitimadbhiś ca*** *sahitaṃ pratimuktam iti …*
>
> Śrī Narendradeva, in good health, honoring the future kings of Nepal, instructs them:
>
> **Let it be known to you that** the kings in the past endowed the temple of Bhuvaneśvara in Māneśvara with the *draṅga* of Dakṣiṇakolī village, along with all the villages in/and lowlands (*sarva-tala-grāmaiḥ*),[65] with revenue like that devised for an *agrahāra*, for their protection and enjoyment. But for some reason, this was withdrawn by Śrī Bhaumagupta and came into the possession to the royal court. **So now with**

65 Cf. *sarva-tala-sahitasya* in the Luñjhya inscription of the same year (Regmi 1983: no. 116). It has also been suggested that a *tala* was an administrative unit within a *draṅga*, comprising a group of villages (Sharma 1983: 48–50).

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> **zealous thoughts of promoting the earlier customary rule,** and for the continuous benefit of our subjects, we have relinquished the temple of Bhuvaneśvara in the *draṅga* of Dakṣiṇakolī village along with all the villages in/and lowlands, together with three villages of Koṅko, Bilvamārga, and Husprinduṅ villages, **including the fields, gardens, houses, and shops** (? *paṇyākāra*)[66] **wherever they be located within the boundaries as previously enjoyed**—these being presented in the same way as an *agrahāra*, not to be **entered by *cāṭas* and *bhaṭas*, and endowed with all the customary laws of forts.**[67] ... (ll. 1, 6–14)

Another, later example from the western Himalayan region of Chambā, a copperplate grant issued by Somavarman in 1067, likewise combines the perpetuity clause and the amenities clause:

> ... *evaṃ* ***sva-sīmā-triṇa-goyūthī-gocara-paryantaṃ*** *sakhilopakhilaṃ sa-vanaspaty-udakaṃ sa-nirgama-praveśaṃ ārāma-viśrāma-sahitam* ***ācandrārkaṃ ... ācandrārkaṃ putrapautrayor*** *bhoktavyaṃ* |
> ... including the grass, grazing, and pasture-ground up to its own boundaries, with fallow-land, large and small, with trees and water, with egress and ingress, together with groves and gardens, for as long as the moon and the sun ... To be enjoyed henceforward for as long as the moon and the sun by sons and grandsons. (ll. 21–24)[68]

Notice here that the perpetuity of a right being hereby conferred is expressed using an idiom—*ācandrārkaṃ putrapautrayor*—that is virtually identical to the one used by Aśoka in PE 7 and in the Sanchi Edict (see above, p. 43; only the order of the compounds is inverted).

66 *paṇyāgāra* in *Arthaśāstra* 7.15.20 is a form of tribute payment between kings.

67 Yangahiti stone inscription of Narendradeva (*saṃvat* 67 = 643 CE); text as in Regmi 1983: 114–116 (no. 117). The attribute *sarvakoṭṭamaryādāsthitimat* (seen also in the Changu Narayana temple inscription [ibid.: no. 53] and the Dharampur inscription [ibid.: no. 62] of 520 = 598 CE; cf. the Thānkot Ādi-Nārāyaṇa temple inscription of 428 = 506 CE [ibid.: no. 20]), always together with the *acāṭabhaṭapraveśya* provision, may confer the privilege of a degree of autonomy otherwise allowed only to fortresses (*koṭṭa*).

68 Vogel 1904: 257–258.

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Besides such phraseological conventions in use in these documents, certain structural conventions can be noted as well. One of these is the use of framing or nesting, for instance to embed direct discourse. In its simplest form, this can be seen even in Aśoka's edicts and in the Niya documents (as noted in the first sections). The content of an order or instruction may begin with a relative adverb (*yathā, yataḥ, yat*) and/or may end in *iti*. Major sections commonly close with a verb or participle that expresses the main thrust of the section. Some of this can be perceived in the examples already cited (where I have employed indentation to show the structures), but Arlo Griffiths has recently analyzed one particularly complex example in his edition of the Mahatī-Raktamālā CP of 159 CE, which includes an account of a property dispute. He outlines the text's "narrative structure" (Griffiths 2015: 25) by which, in a long series of nested direct discourses, the princely officer and the district council inform (*bodhayanti*) the householders of a certain village of the petition made (*vijñāpayati*) by an Brahmin who was being deprived of a previously granted property, the petition in turn quoting communications between himself, the provincial administrator, and a regional governor, resulting in an order to purchase a new property, and to gift it to the Brahmin, in exchange for the one taken away. Each level of the nested discourse closes with a verb or participle expressing the information conveyed or the order enacted. For all its complexity, however, this inscription differs from other similar copperplate grants only in the depth of the embedding employed.

Land-Sale Deeds from Nepal

Kölver and Śākya (1985) have published a collection of land sale and mortgage documents composed in a mixture of Sanskrit and Newari, dating from the end of the 10th to the 18th century. Lienhard (1988) added another large group of sale deeds from the 17th century. Although Lienhard says that "we know of no document of this kind from either India or areas influenced by Indian culture" (ibid.: xiv), in fact several examples exist. The chief structural elements of these documents are these (analyzed in more detail by Kölver and Śākya [1985: 31–51]):

- invocation
- date
- purchaser (*grāhaka*): … *sakāśāt* "in front of …"

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- seller (*dhāraṇaka*): … *nāmnā* "by name" or name in the instrumental case + *svakīyaṃ svabhujyamānikaṃ*
- description of the property: location, size, boundaries, including a "rights-and-amenities clause": e.g., E-*paścimataḥ*, S-*uttarataḥ*, W-*pūrvataḥ*, N-*dakṣiṇataḥ*, *etan-madhye*, [name, etc.] *tat-gṛha-mārga-dhārā-pūrva-sva-sīmā-paribhogam* "with beneficial use of the house,[69] paths, and channels heretofore belonging (*sva*) within these boundaries (*sīmā*)"
- the "current-rate clause" and the "transaction clause": e.g., *tad yathā-deśa-kāla-pravartamānas tathā saṃcārārgheṇa suvarṇamūlyam ādāya, kraya-vikraya-svādhinena krayena vikrītaṃ bhavati* "having accepted a 'garland of gold' as the price offered, at the customary rate current in that place at that time, (the property) is sold by independent purchase (according to the rules) of purchase and sale."
- the "liability clause", a variant of the "protection clause": *yady … tadā dhāraṇakena [svayaṃ] parisodhanīyam* "If … then the seller should rectify it [himself]."
- the names of witnesses and the scribe (with allusion to the document itself): *atra patrārthe dṛṣṭa-śruta-sākṣī …* "As witness to what was seen and heard here, for the sake of documentation …"
- [from the 16th cent.: a "receipt clause" indicating that the price was paid in full, and sometimes other stipulations]

The earliest example of such a sale deed, as edited and translated by Kölver and Śākya is dated NS 159 (1038 CE):

> *[siddhaṃ] samvat 100 50 9 māgha śukla divā tṛtīyāyāṃ | śrī sātīgvalake janārddanaguptabhallok**ena svakīyaṃ svabhujyamānakaṃ** | tatraiva nivāsino vijayasiṃ[ha]pākasya **sakāśāt** | vo[nduḷ]nāmapradeśe | vidyādharaguptabhallokīya-bhūmer pūrvvataḥ | gajādharaguptabhallokīyabhūmer uttarataḥ | candrākaraguptabhallokīyakṣetrasya paścimataḥ | lakṣmīdhara-guptabhallokasya bhūmer ddakṣiṇataḥ | **etatmadhye kṣetrāṅkato rova 3 tasya mūlapiṇḍa** śrīyaṃgvalamahāvihāra-vastu deya taṃ mā 1 tatkarṣakalābhamātraṃ **mūlyaṅ gṛhītvā anivarttakanyāyena vikrītaṃ [|] atrārthe sākṣī** | haṅkhāṭollake vaidya trivikramaśīlaḥ paraṃ pramāṇam iti |*

69 The meaning of *paribhoga* here is clarified by comparison with its use in the sale and mortgage deeds analyzed by Kölver/Śākya (1985: e.g., 38, 44–45, and *passim*): "usufruct, right of beneficial use", as a legally transferable right.

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> Hail! The year 159, on the third day of the bright half of Māgha. [Vendor] **By** Janārddanagupta Bhalloka, in Sātīgvalaka, **his own property, which is enjoyed by himself, in front of** Vijayasiṃha Pāka, resident in this very place, in the region called Vonduḷ, east of the land of those that belong to Vidyādharagupta Bhalloka, north of the land of those that belong to Gajādharagupta Bhalloka, west of the field of those that belong to Candrākaragupta Bhalloka, south of the land of Lakṣmīdharagupta Bhalloka: **in their midst, a field amounting to 3** ***rovas***—its basic subsistence tax to be given as the property of the Venerable Grand Monastery of Yaṃgvala, viz., 1 *mā(nikā)* of rice—the gains of its cultivation merely have been **sold by irreversible rule, the price having been received. Witness in this matter:** The Vaidya Trivikramaśīla, of Ha[ṅkhā] Tol, is chief authority. (Kölver/Śākya 1985: 103–104)

In this case, it is the rights to tax revenue (*mūlapiṇḍa*) from the property that are sold. In other sales (e.g., ibid.: nos. 9 and 10, NS 262 and 273), the purchaser acquires full rights to the land and its produce:

> *tata kṣetraṃ karṣaka-paribhogyanīyaṃ krayavikraya-svādhīnatvena anivarttakanyāyena krayena vikrītam bhavati*
> this field, its cultivation to be fully enjoyed, is sold by (a party) under its own jurisdiction as to purchases and sales, through an act of buying by irreversible rule. (Kölver/Śākya 1985: 115–119)[70]

Lienhard (1988: no. 217) provides a sample translation of a later and slightly different sort of sale (I have put the formulaic elements in bold, and modified or added those parts of the translation that are in italics):

> *siddhaṃ. svasti. śrīśrīsumatijayajitāmitramalladebaprabhu-thākulaśana* ***praśādālapā.*** *gṛhamaṃdalasmīna mārggeṇa paścimataḥ, śrīcand(r)aśeṣ(a)rakasya gṛheṇa uttarataḥ, rāmacandrakasya gṛheṇa pūrvvataḥ, mārgeṇa dakṣiṇataś ca.* ***etanmadhye*** *bāderājakulache khe khāṃṅa niyahnasa ku 27, kātha jimacha ku 11, khe khāṃṅa khu ku*

70 In no. 10, they instead translate the last part "through a purchase by the Rule of Continuation".

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6, kātha hnasa ku 7 rakacā. ***tata***[71] ***gṛha-mārgga-dhārā-pūrvva-svasimā-parībhogaṃ. tata yathādeśakālaprava(r)tta-mānas tathāsaṃcārārgheṇa suvarṇṇapuṣpamārārgha praḍhokitam ādāya krayavikrayasvādhinena***[72] ***krayena vikriyataṃ bhavati.*** *śrīkhapvaṃbhūmyāṃ śrīcāndigalasthāne tavacapālatolagṛhādhivāsi viśvarāma devarāma nehmaṃ phukija nāmna* ***praśādikṛtaṃ. atra patrārthe dṛṣṭasākṣī*** *mātā śrīśrīpadmāvatidevi bhāgirāma bhāro.* ***likhiti*** *kāyastha tulaśirāma. samvat 805 vaiśākhabadi 4. śubhaṃ.*

Siddham! (Let this be) auspicious! The eminent and wise King Jayajitāmitra Malla **is pleased to grant** *(prasādālapā) the sale of the house belonging to the royal family called Bāde: In the "circle of surrounding houses"*, (it is) located to the west of the main road, to the north of the house belonging to śrī-Candraśekhara, to the east of the house belonging to Rāmacandra and to the south of the main road; **in between these** is the house belonging to the royal family called Bāde, 27 cubits in length, 11 cubits in breadth (with an) annex measuring 6 cubits in length and 7 cubits in breadth, ***(including) beneficial use of the house, paths, and springs heretofore belonging (sva) within these boundaries (sīmā).***[73] ***(The seller) having accepted a "garland of golden flowers" as the price offered, at the customary rate current in that place at that time, (the property) is sold by independent purchase (according to the rules) of purchase and sale.***[74] (He) **is pleased** (to declare the house legally sold) to the two brothers Viśvarāma and Devarāma, who both live in Tavacapālaṭola in śrī-Caṇḍīgala in Khopabhūmi (i.e., Bhaktapur). **The eye-witnesses to this document** are (the King's) mother Padmāvatīdevī and Bhagirāma Bhāro. The scribe Tulasīrāma **writes.** (In the

71 This word occurs once as *tataḥ* (no. 242). Lienhard sometimes indicates that the *-a* is superfluous, or corrects the word (twice) to read *tatra* (though *atra* is commonly found elsewhere in the documents with no such confusion).

72 In the original, this compound begins with an extra *kraya* and ends with *ṃ*, both superfluous.

73 This phrase occurs also in nos. 223, 249, 252, etc. Lienhard translates: "(The sale entitles) the owner to use the passage bordering to the east of the waterspout". But this cannot be correct, not least because *pūrva* cannot refer to a particularity of the situation of this one plot—it is a regular part of the formula.

74 The force of *svādhīna* is probably to indicate the seller's right freely to alienate the property at will. Lienhard's "more or less free translation" (1988: xiv) seems to ignore this compound: "(The right lying at the heart of the agreement) is sold after gold in the form of a flower wreath has been accepted (by the king) at a rate (or price) appropriate to the time and the region."

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year) NS 805, in the Month of Vaiśākha, on the fourth day of the dark fortnight. (Let this be) auspicious. (adapted from Lienhard 1988: xiv)

In this case, the seller in fact appears to be the king, for which reason we find the use of the denominative verb built on the word *prasāda*, which is ubiquitous in royal grants for expressing the king's "act of showing favor" or "being pleased to grant" (both New. *prasādālapā* and Skt. *prasādīkṛta* are used in this record).

But most of the other sale documents in this collection, like Kölver and Śākya's, involve private parties. A dozen of the property sales include, just after the description of the boundaries, a clause stipulating some of the amenities included in the purchase; the usual form is:[75]

tata gṛha-mārgga-dhārā-pūrva-sva-sīmā-paribhogam
[This includes] the right to use of its house, paths, and water-sources heretofore contained within its own bounds.

Where the property is a building site (*pātālabhuṃ*) with or without an existing house, we find these variants:

tasya pātāla-mārgga-dhāra pūrvva-sva-simā-paribhogaṃ (Lienhard 1988: no. 231)
tata gṛha-pāthalabhuṃ-pūrvva-simā-paribhogaṃ (ibid.: no. 234)
tata gṛha-pātālabhuṃ-(v)āṭikā-pūrva-so-simā-paribhogaṃ (ibid.: no. 237)

This clause, which Lienhard misunderstands, may be compared with an amenities clause found in north Indian land-grant copperplates since at least the 9th century:

sva-sīmā-tṛṇa-yūti-gocara-paryantaḥ[76] *(vel sim.)*
including the grass and pasture within its own bounds

75 With the variations noted below, *tat...pūrvva-swasīmā-paribhogam* occurs in Lienhard 1988: nos. 217, 226, 227, 229, 231, 233, 234, 237, 238, 244, 249, and 252.

76 Mungir CP of Devapāla, mid-9th c. (Barnett 1925–26), ll. 38–39, Bhojadeva's Banswara CP of 1020 CE (Hultzsch 1911–1912: 182, l. 16), and Bhoja's Ujjain CP of 1021 CE (Kirtane 1877: 54 [No. II, l. 15]).

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The next clause stipulates that the price should conform to the customary rate according to the current, local practice:[77]

> *tata [kṣetra]*[78] *yathā-deśa-kāla-pravarttamānas tathā-saṃcārārgheṇa suvarṇṇapuṣpamālārgha(ṃ)/-eṇa*[79] *praḍhaukitam ādāya kraya-vikraya-svādhīnena krayena vikrītaṃ/vikrīyataṃ bhavati.*
> Then, [the seller] having accepted a "garland of gold" as the price offered, at the customary rate current in that place at that time, [the property] is sold by independent purchase (according to the rules) of purchase and sale.

An optional clause provides a guarantee that the buyer's property rights are upheld and that no others, such as an officer of the state or a religious entity, lays claim to them:

> *yady asyāṃ daivika-rājika-vyāghāta parena tadā dhārṇṇakena svayaṃ parisodhanīyam*
> If within this [boundary (scil. sīmā?)] someone else should bring some interference by a temple or the state, then the seller himself should clear it up.

In the case of a royal grant it is the king who offers that assurance.

The final section of the property sale deed registers the attestations of witnesses to the transaction, as well that of the person who wrote out the document itself. Again, the language for this is legal boilerplate found, with only minor differences, in the copperplate inscriptions considered earlier.

77 It is further worth noting that we have epigraphical precedent of a rarer type, a royal charter endorsing the market regulations of a merchant community, known as the Charter of Viṣṇuṣeṇa. This inscription specifies that prices should follow market norms, and prescribes penalties for "deceptive pricing" (*argha-vañcana*). See Lubin 2015 for a full translation and discussion. The degree to which exchanges were regulated by guilds or other customary norms suggests a highly regulated market.

78 This word ("field") is included only in nos. 224, 225, 232, 242, and 247 (sometimes showing *kṣatra*) of Lienhard's corpus, which concern the sale of a plot of land with no house on it.

79 Or: *suvarṇṇamūlyam* "price in gold" (e.g., nos. 224, 225, 231).

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Documents from the *Lekhapaddhati*

The *Lekhapaddhati*, a formulary compiled ca. 13th–15th c. in Gujarati-influenced Sanskrit, includes land-transfer documents, including a sale-deed, a deed of gift, and a royal endowment. One version of the sale-deed reads thus:

2.34.1 vikraya-caṃdrakālika-patraṃ yathā ‖ saṃvat 1288 varṣe vaiśākha-śu-di 15 some 'dyeha śrīmad-aṇahillapāṭake samasta-rājāvalī-samalaṃkṛta-pūrvaṃ adyeha bālūā-grāme ***caṃdrakālika-vikraya-patram*** *abhilikhyate yathā ‖ dhaniko nāma nāmataḥ | ihaiva-vāstavya-vya°-khetākhaḥ sva-dhanaṃ prayuṃkte | asya ca hastād dhāraṇiko nāma nāmataḥ | ihaiva-vāstavya-brāhmaṇa-amukākena pūrva-puruṣopārjjitaṃ dvibhūmikyaṃ kaveluka-cchannaṃ samāliṃdakaṃ pūrvābhimukhaṃ sa-phalahikaṃ* ***sva-sīmā-maryādaṃ sa-vṛkṣa-mālākulaṃ nava-nidhāna-sahitaṃ*** *nava-navaty-ācāreṇa vya°-khetā-pārśve* ***caṃdrakālikam*** *śāka-phalaka-nyāyena vikrītaṃ | gṛha-mūlye dra° 500 paṃcaśatāni (|) ata ūrddhvaṃ gṛham idam vyavahārakena* ***putra-pautra-paraṃparayā bhoktavyaṃ*** *| vikretavyaṃ ca ‖ yad rocate tat karttavyam | brāhmaṇa-amukākena gṛha-sanmukhaṃ nāvalokanīyaṃ ‖ gṛhasyāghāṭā yathā ‖* ***asya vidheḥ pālanāya rāṇaka-gotrika-anya-vyavahārakādi-khaścā-rakṣaṇāya*** *datta-pratibhūḥ brāhmaṇa-amukākaḥ | tathā dvitīya-pratibhūḥ amukākaḥ ‖ atra matāni atra sākṣiṇaḥ ‖ ubhayābhyarthita-pāri-amukākena likhitaṃ pramāṇam iti ‖*

2.34.1 Eine Urkunde über einen dauerhaften Verkauf: (E[inleitung]) Heute, am Montag, dem 15. Tag der hellen (Hälfte) des (Monats) Vaiśākha im Jahre Saṃvat 1288, hier in der herrlichen (Stadt) Aṇahillapāṭaka, zuerst die vollständige königliche Genealogie, hier und heute im Dorf Bālūā wird folgende **Urkunde über einen dauerhaften Verkauf** geschrieben: (H[auptteil]) Der Käufer, namentlich: Der hier wohnende *vya(vahārin)* Khetāka investiert sein Eigentum. Aus dessen Hand (nimmt) der Verkäufer, namentlich: Der hier wohnende Brahmane N.N. hat dem *vya(vahārin)* Khetā(ka) entsprechend der 99-(Jahre)-Regel, für unbegrenzte Zeit, entsprechend der Regel für (den Handel) mit Obst und Gemüse (ein) von früheren Generationen ererbtes, zweistöckiges, mit Ziegeln gedecktes,

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mit einer Terrasse versehenes, nach Osten ausgerichtetes, einen Innenhof(?) besitzendes (Haus) verkauft, **mit seinen Grenzen, einschließlich der baumbestandenen Waldstücke und neu (entdeckter) Schätze.** Als Preis für dieses Haus (sind) 500, (in Worten:) fünfhundert, *dr[ammas]* (gezahlt worden). **Von nun an soll der Käufer dieses Haus in Erbfolge nutzen.** Und er kann es verkaufen. Was ihm gefällt, kann er machen. Der Brahmane N.N. (d.i. der Verkäufer) soll keine Schwierigkeiten in bezug auf das Haus machen. Die Grenzen des Hauses (sind) wie folgt. **Für die Einhaltung dieser Regel, für den Schutz vor Beeinträchtigungen durch *rāṇakas*, (andere) Gotra-Angehörige *(gotrika)* und andere Gläubiger usw. ist der Brahmane N.N. als Bürge gestellt. Und der zweite Bürge (ist) N.N.**
(S[chlussteil]) Hier die Unterschriften. Hier die Zeugen. (Die Urkunde) wurde auf Bitte beider (Parteien) von *pāri* N.N. geschrieben. (Sie ist) Autorität. (Strauch 2002: 175, 381)

Besides some other evidently formulaic clauses not seen earlier we find several familiar ones:[80]

- *sva-sīmā-maryādaṃ*: "encompassing its own boundaries"
- *sa-vṛkṣa-mālākulaṃ*: "including trees and groves"
- *nava-nidhāna-sahitaṃ*: "including any newly (discovered) treasure"
- *candrakālikam*: "for as long as the moon"
- *putra-pautra-paraṃparayā bhoktavyaṃ*: "to be enjoyed by the succession of one's sons and grandsons"—this version adds, "and sellable (by them as well)"
- *asya vidheḥ pālanāya rāṇaka-gotrika-anya-vyavahārakādi-khaścā-rakṣaṇāya*[81] ... *pratibhūḥ*: "as guarantors ... to protect this rule, and guard against infringement of it by rulers, *gotra*-fellows (of the seller), or other parties".[82]

Some of these also appear in a model sale deed (*vikraya-bhūrja*) in the 16th-century *Lokaprakāśa*, from Mithila:

80 These formulae are discussed in detail by Strauch (2002: 262–266).
81 *khaścā* is used where inscriptions normally use a word like *bādhā*.
82 The *Lekhapaddhati* uses *vyavahāraka* in three distinct senses: for creditor, purchaser, and merchant (Strauch 2002: 480–481). In this position, it is hard to know which is meant, but the implication seems to be someone who might assert some (spurious) commercial or financial claim on the property.

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eṣāṃ dīnārānāṃ mayāmukasya mahattasya samantānasya[83] *putrapautrasahitasya vikrīritam | ācandrasūryasamudraparyantaṃ tāvat upabhuñjīyam | atra gotrajo vānyo vā dauhitro vā pautro vā | yadi kenāpi śācā*[84] *kṛtā, tadā mayāpy atāraṇīyam*[85]

For these *dīnāras*, I have sold it to the reverend So-and-so, with his offspring, along with his sons and grandsons; it is to be enjoyed/possessed as long as the moon, sun, and sea. In this, a gotra-fellow or some, whether my daughter's child or my son's—if any (of them) makes any infringement, then I myself shall remove it. (Zadoo 1947: 39–41)

Most of the same formulae also appear in some form in the *Lekhapaddhati*'s sample royal endowment (*śāsana*), e.g., in 2.2.3:

... rāṇaka-śrī-amuka-devena paramayā bhaktyā paramalokahitāya amuka-grāmaḥ ***svasīmā-paryaṃtaḥ savṛkṣamālākulo nava-nidhāna-sahitaḥ pūrvarītyā*** *palamāna-devadāya-brahmadāya-gavāṃgocara-varjaṃ* ***pānīya-praveśa-niḥsāra-saṃyukaḥ sva-sīmāyāṃ pūrvasyāṃ*** *ca amuka-amuka-grāma-sīmāyāṃ sīmā-maryādā (|) evaṃ caturādhāṭopalakṣitaś ... śāsane pradattaḥ*

King So-and-so-deva has given in an endowment deed (*śāsane*) Such-and-Such village, **up to its own boundaries, with trees and groves,**[86] **including new-found treasure**, excluding gifts to gods or Brahmins and pastures that are being protected **by earlier custom, (but) including water(-ways), ingress, and egress**, and with its four boundaries indicated thus: "the boundary limit (is located) **at the property's own former boundary** and that of such-and-such (neighboring) villages".

[... hat der *rāṇaka* Śrī N.N.-*deva* ... mit außerordentlicher Hingabe, für (sein) Wohl in der jenseitigen Welt das Dorf N.N. (übergeben), innerhalb seiner Grenzen, mit (seinen) baumbestandenen Waldstücken, mit neu (gefundenen) Schätzen, (jedoch) ohne Weideland für Kühe und Gaben an Götter und Brahmanen, die sich entsprechend früherem Brauch (bereits) in

83 Read *sasantānasya*.
84 Read *ṣāścā* (for *khaścā*).
85 Read *ātāraṇīyam*?
86 On *savṛkṣamālākulam*, see the discussion by Strauch (2002: 263).

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> Besitz befinden, und versehen mit Wasser, Eingang und Ausgang (?). **Und an seiner östlichen Grenze die Grenzen und Flurgrenzen *(maryādā)* an der Grenze der Dörfer N.N. und N.N. (?)** So in seinen vier Grenzen bezeichnet, ist dieses Dorf ... in (Form dieser) Schenkungsurkunde gegeben ... (Strauch 2002: 249–250 and 264, citing other epigraphical parallels)]

Strauch has inserted unwanted punctuation (cutting off the subject of the admittedly very long sentence from its verb; he then finds the underlined phrase corrupt and translates it only in a footnote. He too takes the word *pūrva* in a directional sense, since one might expect a description of the boundaries on all sides. However, in light of the above parallels, I suggest rather to understand it as summarily reaffirming the previous boundaries relative to neighboring properties. Moreover, it should be construed as direct discourse bracketed by the following *evaṃ*: "with its four boundaries indicated thus: 'the boundary limit (is located) at the property's own former boundary and that of such-and-such (neighboring) villages'".

As in the Newari deeds, this passage stipulates rights pertaining to water sources, and means of ingress and egress. Like other copperplates, other natural resources are included, although in this case pasturage is excluded, perhaps by the law of the commons. The endowment deed ends with a guarantee formula that makes use of the phrase *putra-pautra* as well (in this case referring to his own offspring and their responsibility to maintain the endowment):

> *grāmo (')yaṃ mamānvayenāpareṇa vā dhārmikena bhūtvā* ***sva-putra-pautra-paraṃparayā pālanīyaḥ***
> This village should be protected by my descendents or by any other [ruler] who is righteous, [and] **by the succession of their sons and grandsons.**[87]

Other manuscripts also include the phrase (*sa-*)*kāṣṭha-tṛṇodakopetaṃ* ("including any wood, grass, and water that is there").[88]

87 Strauch (2002: 116, 245): "Dieses Dorf ist von meinem Geschlecht oder von einem anderen rechtmäßigen (Herrscher) und dessen Söhnen und Enkeln zu schützen."

88 Strauch's (2002) manuscripts B (= A in Prasad 2007) and Bar1. Bar1 also includes any crops already being in place: *evaṃ niṣpadyamāna-godhūma-vrīhi-caṇaka-kaṃgu-tṛṇādi-caturāghāṭa-pālita-sva-sīmā-paryaṃtaṃ savṛkṣamālākulaṃ sarva-*

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Several of these formulae appear also in the documents that the compiler of the *Lekhapaddhati* calls (*prasāda-*)*pattalā* ("deed of favor", 2.3) and *grāma-paṭṭaka* ("village [tax-assessment] plate", 2.5). For example, in "deeds of favor" (2.3.5, 7), the ruler promises to restore or compensate for any property stolen from residents or travelers "within its bounds" (*sva-sīmā-madhye*); in tax-assessment plates (2.5.1, 2, and similarly 4), security is promised on the highway, again *sva-sīmā-madhye*. Tax is to be paid on the village including everything "up to its own boundaries" (*sva-sīmā-paryaṃtasya*, 2.5.5), but the tax-assessments also specifically exclude properties already granted special status and "being enjoyed by earlier custom" (*pūrva-rūḍhyā palamāna, pūrva-rītyā paripālanīya*), which include *devadāya, brahmadāya, gavāṃgocara, sthitimukti,* and *rājaprasāda*.

Concluding Reflections

My aim here was not to attempt a comprehensive survey of formulary protocol in the South Asian cultural sphere but simply to demonstrate that such a thing exists, that it was built up progressively out of quite ancient features, and that some of the earliest attested features continued to be employed in one form or another (even including calques in various languages, as illustrated in the appendix below). Certain elements of these can be found in use even in late-medieval times. This phenomenon may be compared with the role of structural elements and phrases from Roman law and medieval French law that survive in modern Anglo-American legal and administrative documents to the present day.

The paucity of document-types that were committed to writing on material supports durable enough to survive the ravages of time and climate naturally limits the range of formats and features illustrated. Royal orders, especially those pertaining to endowments and other land transactions, are the most numerous, and later endowments deeds from other donors show several similar features. And although the early real-property grants that included *parihāra*-type exemptions were made to non-Brahmanical religious groups, very similar formulae

nidhāna-sahitaṃ … kāṣṭha-tṛṇodakopetaṃ … etat śāsanaṃ dattaṃ ("This endowment is given … along with cultivated wheat, rice, chickpea, millet, grasses, etc., protected by the four boundaries, up to its own boundaries, with any trees and groves, including any treasure, … (and) including any wood, grass, and water that is there").

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were used when such grants came to be issued to Brahmin householders (*brahmadeya*) and to Brahmin-staffed temples (*devadāna*).[89] Even when we turn to surviving land deeds unconnected with a religious endowment, striking continuities with the older-attested diplomatic conventions can be seen. The ordering of certain structural elements of Indian documents did vary by region, period, and purpose, but a number of those elements, as well as a good deal of phraseology, survived translation not just between Prakrit and Sanskrit, but across whole language families (e.g., Tamil, Javanese, Newari), and the supplanting of particular terms by synonyms borrowed from other languages (and legal systems).

The very existence of a distinctive set of diplomatic norms disseminated through so much of South Asia (and beyond) raises further questions. What were the circumstances that favored the spread and acceptance of these norms in diverse contexts? Who formulated, executed, and promoted the use of such documents? What sort of political, administrative, or other institutions required them or created a demand for them? As always in the study of ancient and medieval South Asia, our resources for answering such questions are mostly limited to the very same sources that posed them, but the present study ought at least to show that a comparative reading of documents disparate in both time and space can reveal things that specialized studies of individual genres and corpora may not. Minimally, though, we must hypothesize that the linking factor was likely the early emergence of a professional class of scribes and notaries employed in the first instance by royal states to draft decrees, official correspondence, tax records, and judicial documents (all of which are attested in some form, and described in Kauṭilya's *Arthaśāstra*). The conventions thus established were perhaps then adapted to wider uses such as documenting transactions. I

89 All three of these classes of beneficiary are acknowledged in the newly published Mastakaśvabhra copperplate (albeit without mention of *parihāras*, given that it is a deed involving a purchase), which cites it as an established principle: "There is this custom—also by good people in the past, fields in the surroundings of district villages have been purchased from various people of the district, and donated to temples, monasteries and excellent Brahmins" (*astīyaṃ maryyādā pūrvvasādhubhir apy u+pa+krīya nānāvaiṣaiyikajanapadād devakulavihārabrāhmaṇaviśeṣebhyo (')tisṛṣṭāni viṣayagrāmamaṇḍalakṣettrāṇi pūrvvarājabhiś cānumoditāni*) (Griffiths 2015: 30–32, ll. 10–11). In this connection, we should note that Kauṭilya, who prescribes that kings should endow Brahmins with land, uses the word *parihāra* in more general contexts, viz., in reference to privileges conferred on the royal servants (*Arthaśāstra* 2.7.2) and privileges that might be associated with houses (2.35.8, with no specific class of beneficiary specified).

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would further hypothesize that the shift toward an increasing use of Sanskrit (or Sanskritized registers of other languages) was prompted by the increased representation of Brahmins in the ranks of such professionals during the early part of the first millennium of the Common Era—itself a sociological phenomenon in need for further study.

The unifying factors in this process probably included a tendency of new or upwardly mobile rulers to emulate earlier "great kings" (as Rudradāman and later the Guptas emulated the Mauryas, and as others in Nepal, Bengal, and the South would emulate the Guptas). Another factor, no doubt, was the knowledge networks that produced the literate professionals. During the "Prakrit phase", this professional network may have followed or even coincided with trade or monastic networks (the former likely explains the Niya documents). Later, the expanding but decentralized network of settlements of Brahmins could yield a ready supply of literate candidates, aided by the caste's reputation for textual learning and clerical expertise. But these are all hypotheses to be examined on future occasions.

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Appendix: Examples of South Asian Diplomatic Formulae across Languages

The following Prakrit (Pkt., Gandh.) and Sanskrit (Skt.) formulae are widely attested, some of them appearing in other languages, whether using loan-words or calques. Examples are drawn from Classical Tamil (C.T.), Old Javanese (O.J.), Nepali (Nep.), and Newari (New.)

"X petitioned the king"	
Gandh.	*ahono iśa X viṃñaẏeti yatha …* Now here X makes a request that …
Skt.	*astu vaḥ saṃviditaṃ yathā vijñāpto ['']haṃ vaṇiggrāmeṇa yathā …* Let it be known to you that I have been petitioned by the community of merchants thus …
	X Y Z rājanaka-Viviktasomena vijñapitāḥ …[a] X, Y and Z were petitioned by the *rājanaka* Viviktasoma [as follows] …
C.T.	*X viṇṇappattāṉ Y āṇattiyāka*[b] at the request of X, with Y being the executor
O.J.	*X mamarahakən i pāduka śrī mahārāja* X conveyed a petition at the feet of His Highness the king.[c]

"the king shows favor (grace) by [speaking, issuing an order, endowing property]"	
Skt.	*ācārasthitipātram ātmīyaṃ prasādīkurvvantu / sthitipātraṃ prasādīkṛtaṃ*[d] may [his highness] graciously issue his own charter of customary laws / the charter of laws has been graciously issued
C.T.	*tiruvāy moḻintu* *tiruvāy moḻint-aruḷa/aruḷi* *tiruvāy moḻint-aruḷiṉār-eṉṟu* *tiruvāy moḻint-aruḷiṉapaṭikku* *tiruvāy moḻint-aruḷiṉamaiyil* the royal mouth having spoken the royal mouth having had the grace to speak since the king has graciously told by his sacred mouth[e]
O.J.	*X inanugrahān de śrī mahārāja*[f] X was granted favor by the king *sīma anugraha śrī mahārāja*[g] a freehold (*sīma*) created by the grace of the king

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Nep.	*bhannyā [yasto] thiti bāṃdhi baksanu bhayo*[h] (saying) thus, [in this way] the rule (*thiti*) has been graciously established *bhannyā dharma gari baksanu bhayo*[i] (saying) thus, [in this way] the law (*dharma*) has been graciously made
New.	*prasādālapā* graciously granted

"this is not to be entered by revenue/conscription officers"

Pkt.	*a-[bhaḍa-]pāvesam* not to be entered [by *bhaṭas* (officers)]
Skt.	*a-cāṭa-bhaṭa-praveśyaḥ / cāṭa-bhaṭa-apraveśyaḥ* not to be entered by *cāṭas* and *bhaṭas* (officers)
O.J.	*tan katamāna deniṅ sa-prakāra niṅ maṅilala drabya haji* it may not be entered by any sort of the Beneficiaries of the Royal Property

"made tax-free"

Aśokan Pkt.	*hida bhagavataṃ jate ti luṃminigāme* ***ubbalike kaṭe*** *aṭhabhāgiye ca*[j] Considering that the Lord was born here, [Aśoka "Beloved of the Gods"] **made** the village of Lumbinī **tax-free** and provided it with a share in the eight portions [in which the ashes of the Buddha had originally been divided].
C.T.	*cantrātittaval* ***iṟaiyili***[k] ***/ iṟaiyiliyāka*** **tax-free** as long as the moon and sun / having been made tax-free

"as long as the moon and sun"

Aśokan Pkt.	*caṃdaṃasūriyika / ācaṃdamasūliyikam* as long as the moon and sun
Skt.	*ā-candrārkaṃ*[l]*/ ā-candrārka-tāra-kālīna*[m] / etc. as long as the moon and sun [and stars]
Pkt.	*ā-canda-tāra-kālīka*[n] as long as the moon, [sun,] and stars
C.T.	*cantrātittaval*[o] */ cantiratitta-vara*i as long as the moon and sun
O.J.	*kadi lavas saṅ hyaṅ candrāditya hana riṅ ākāśa sumuluhiṅ aṇḍabhuvana/tribhuvana/sakala lokamaṇḍala [tāvat samaṅkana / lavasnya…]* as long as the moon and sun are in the sky, illuminating the universe [so long…][p]

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penalties and imprecations	
Pkt.	*jo amha-sāsanaṃ atichitūna pīlā bādhā karejjā kārāpejjā vā tasa amho sārīra[ṃ] sāsanaṃ karejāmo*[q] he who, having violated our order, should cause, or cause others to cause, harm or obstruction, we will inflict corporal punishment on him. *atha koci … pilā bādhā kareyya kāravejjā tasa khu amhe nigahaṃvāraṇa karepyāma ti*[r] now if anyone … should cause, [or] cause others to cause, harm or obstruction, we shall have him arrested and restrained.
C.T.	*itukku virotañ c[e]tārai dhanmāsa[n]a mutal ākat tā[m] veṇṭu kovukku vev[ver]ṟu vakai irupattu aiṅkaḷañcu poṉ maṉṟap peṟuvārākavum*[s] If anyone violates this [gift], beginning with the *dharmāsana*m, desiring [it?] for themselves, twenty-five gold pieces will be collected for the king.
O.J.	*yāpvan hana*[t] *vvaṅṅ anyaya asiṅ umulah iki sīma vanva …*[u] If there is any unrighteous person who disturbs the freehold (*sīma*) village …
	yāpvan hana anyāya lumaṅkahanaṅ śāsana laṅghanā i ājñā haji lumaburra ike vanua i vu(a)tan tija sīma anugraha śrī mahārāja …[v] If there is anyone who would unjustly overstep the decree and violate the royal order by destroying this village at Vuatan Tija, a freehold graciously created by the king …

a Kotalipada CP, line 11 (Furui 2013).

b E.g., Velurpalaiyam CP, 6th year of Nandivarman III, ll. 48–49 (Lubin 2013: 431); Rayakota CP of Skandaśiṣya, ll. 12–13 (Hultzsch 1898–1899: 51).

c Barrett Jones (1978: 62–72) discusses several of these formulas. She calls this one "the asking formula".

d Charter of Viṣṇuṣeṇa, ll. 3–4 (Lubin 2015: 232).

e Vijayavenugopal 2010: 356–357.

f For example Kinəvu stone inscription on a Gaṇeśa statue, ll. 3 and 5 (Brandes 1913: 34).

g Vuatan Tija (Manggung) CP of śaka 802 (?) = 880 CE, Resink plate, verso, l. 7 (Sarkar 1971: 253).

h These examples are from Rāma Śāha's decrees, where the Persian loan-word *bakhs* has replaced the Indo-Aryan *prasāda* or *anugraha*. This phrase—which occurs (with minor variations) at the end of all the edicts except 1–3 and 20 (which employ other *baksanu* phrases)—Riccardi (1977: 41 n. 1) deems "a late addition", though on what basis is not clear, given that the decrees have not survived in their original forms. The verb *baksanu* (often compounded with a main verb ending in the conjunctive particle *-i*) becomes ubiquitous in Nepali as a "high honorific" form expressing any act performed by a royal; many examples may be found by searching forms of the verb in http://www.haw.uni-heidelberg.de/forschung/forschungsstellen/nepal/editions.en.html.

i This version appears only in the first *thiti*, which decrees that henceforward Śrī Nandamiśra and his descendants alone will "graciously be appointed" guru to the king (*guru tulyāi baksanu bhai*).

j Following the interpretation of *aṭhabhagiye* proposed by Falk (2012: 215–216), and adapting his translation slightly.

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k Tirumūlanātar Temple, Bahur, year 27 of Kaṉṉaradeva = 966 (Vijayavenugopal 2006: no. 9, ll. 6–7; 2010: 3–4).
l Very common; an example from Nepal is the Yūpagrāmadraṅga grant of year 67 = 386 (Regmi 1983: 113, [no. 116, l. 18]), or the Lagan Tol stele above.
m In many Bagh CPs from Madhya Pradesh (Ramesh/Tewari 1990).
n Hirahadagalli CP, l. 29 (Mahalingam 1988: 37).
o Tirumūlanātar Temple, Bahur, year 27 of Kaṉṉaradeva = 966 (Vijayavenugopal 2006: no. 9, l. 6).
p E.g., Kembang Arum A/B CP of Panggumulan I and II (of 902) and the Lintang CP of 919 (Sarkar 1972: 303, 169); cf. Jaha CP of 840 (Sarkar 1971: 83), and stone inscriptions of 943, 1135 and 1140 from Siman, Ngantang, and Plumbangan, respectively (nos. 48, 68, and 69 in Brandes 1913: 101, 158, 163).
q Maidavolu CP, lines 21–23 (Mahalingam 1988: 33).
r Hirahadagalli CP, line 40 (Mahalingam 1988: 38).
s Bahur inscription, lines 8–11 (Vijayavenugopal 2006: no. 9).
t Emended; Bosch (1926: 44; and following him Sarkar 1972: 30) prints: *yā suanyana*.
u Kembang Arum A CP of Panggumulan I, śaka 824 = 902 CE, plate 3, verso, ll. 6–7 (Bosch 1926: 44; Sarkar 1972: 30).
v Vuatan Tija (Manggung) CP, Resink plate, verso, l. 7 (Sarkar 1971: 253).

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Abbreviations

CP	copperplate inscription
C.T.	Classical Tamil
Gandh.	Gandhari
Guj.	Gujarati
MRE	Minor Rock Edict (of Aśoka)
Nep.	Nepali
New.	Newari
NS	Nepāla Saṃvat
O.J.	Old Javanese
PE	Pillar Edict (of Aśoka)
Pkt.	Prakrit
RE	Rock Edict (of Aśoka)
Skt.	Sanskrit

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Digital Diplomatics: The Evolution of a European Tradition or a Generic Concept?[1]

Georg Vogeler

Introduction

The use of writing in societies has created documents all around the world, which can be called "charters" or "instruments", i.e. written pieces recording the explicit establishment of social relationships like ownership, political power etc. There is the system of imperial Chinese edicts and letters (Wilkinson 2015: 280–285), Malayan documents (Ché-Ross 2005 with further references), the documents from the Japanese 正倉院 Shôsôin (Yoshiyasu 1987), the whole range of official documents from the Islamic rulers in the Middle East (Björkman et al. 2012 with further references), the vast range of contracts from the Greek, Arabian or Jewish communities documented in North African papyri (Grohmann 1924, 1954; Grohmann/Mayr 1966; Khoury 1993; P.M. Sijpesteijn 2009; P.J. Sijpesteijn 2005; Grob 2010; Rupprecht 1994; Wolff 1978; Goitein 1973), Mamlūk documents, to which Reinfandt (2013) and Bauden (2005) give an overview, the copies of royal grants in the Ethiopian religious books as recently studied by Anaïs Wion (2006, 2011), as well as European imperial, royal and papal privileges and writs and many more. Diplomatics is the branch of scholarship studying this kind of written documentation in all its facets (Duranti 1998). It is thus close to many other disciplines: Epistolography deals with written communication; codicology is studying material aspects of written heritage; archival sciences are concerned with the

1 I have to thank Karlheinz Mörth for his support with Arabic, one of the many languages I am not familiar with.

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preservation of documentation; papyrology takes care of everything written on papyrus, which is mostly documentation covered by diplomatics but does not always have to be; legal history is interested in the legal forms of the social relationships expressed in charters, instruments, wills and similar; administrative history considers the documents as traces of political administration, and source criticism their use as primary sources of historical research. The term has a strong tradition in European scholarship where it was coined in the context of legal actions in the 17th century and revisited in the 19th century by historians (Kölzer 2010). It has influenced scholarship on the documentary tradition in other cultures. Even the article in the second edition of the Encyclopedia of Islam (2007/2012) by Walther Björkmann continuously describes the Arabic documentary tradition in contrast to European concepts. Translating the term "diplomatics" into other languages might mix it up with any of the named research endeavors. I suggest using the term, when talking and writing in English, to address the richness of what humankind did and does with the technique of writing to document its social relationships for future reference and I do so in this paper. When I talk about "documents" in the following, I am usually referring to documents as they are studied by diplomatists. I will use "charters" as a synonym.

What is Digital Diplomatics?

Traditionally the diplomatists study charters as physical objects carrying traces of their production, preservation and use (the so-called "external features"), as well as texts reporting actions of people (the so-called "internal features"). Diplomatists are interested in the rules applied to the physical and the linguistic form of the charters, as well as the description and understanding of individual pieces. Digital diplomatics does the same, but it uses modern information technologies. This can change the methods of diplomatics significantly (Vogeler 2014): Using controlled vocabularies and formal ontologies for metadata characterizes the verbal description as classification rather than representation. Visual evaluation is enhanced by easy access to images and by the help of image analysis software. Full text search supported by natural language processing software makes it possible to connect a single charter to others hidden in large charter corpora. Statistical methods and visualization of large data sets help to see the single

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charter in its full contemporary context. Digital scholarly editions can aggregate work done separately in one common representation and make the editor's knowledge of the documents explicit.

At the current state of scholarly discussion and software development, there are two major areas of activities in the application of computer technologies to diplomatics: 1. representing diplomatic knowledge about charters digitally and 2. using digital methods to create new diplomatic knowledge. With the first approach comes a wide range of charter databases. Many more have been created since I gave a brief overview on the state of the art in Europe in 2010 (Vogeler 2010). This approach includes attempts to create schemata for the mark-up of diplomatic texts (Vogeler 2005; Poulimenou/Asonitis/Poulos 2009; Desenclos/Jolivet 2014; Lobo Puga et al. 2014) and to build a formal ontology of diplomatics based on the *Vocabulaire Internationale de la Diplomatique* (VID) (Cárcel Ortí 1997; Vogeler 2013). The second approach consists of a continuously growing number of single research studies, of which the papers given at the international *Digital Diplomatics* conferences in 2007 (Vogeler 2009), 2011 (Ambrosio/Barret/Vogeler 2014) and 2013[2] give an impression, e.g. what counting words in charter corpora can achieve (De Paermentier 2011; Perraux 2014).

In the following, I will discuss four examples showing how the digital methods should be applied to diplomatics in order to keep them "global":

1. Compare the scope of *monasterium.net*, the *Digital Persian Archive* and the *Taiwan Historical Digital Library* as charter databases.
2. Compare the suggestions for standards to described charters digitally by the *Charter Encoding Initiative* (CEI) and by Poulimenou/Asonitis/Poulos (2009).
3. Discuss XML as a tool for marking up the diplomatic discourse, in particular comparing the models in the *inshā'* literature with the CEI and the Vocabulaire Internationale de la Diplomatique.
4. Discuss the objectives of digital diplomatics methods trying to find the connections between the *Discrimen veri ac falsi* ("separation of the true and the false", i.e. detection of forgeries), concepts like Wenshuxue (文書學) and phenomena like the mention of *qal haṣe gwälač* and *tägwazagwaza* in Ethiopian charters.

2 http://www.cei.lmu.de/digdipl13/.

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Databases

Databases of charters are not a European phenomenon. *Monasterium.net* (2004–2016) is probably the largest database in the world dedicated to charters. It carries a name which refers to Latin Christianity. However, in fact it has a wider range, as it includes not only Serbian documents, which are based on the Byzantine tradition (Vujošević 2006, monasterium.net/Srbija), but also Ottoman documents from the Franciscan Archives in Budapest (monasterium.net/Magyar Ferences Levéltár). There are several pure Latin charter databases online like *Chartes originales* (1971–2012), DEEDS or the *Codice Diplomatico della Lombardia Medievale*. Nevertheless, there are also databases dedicated to documents outside of Europe. *Digital Persian Archive* has digitized a substantial amount of already published and a growing amount of unpublished documents from Persia. Most recently, the list of Arabic papyri compiled by Pieter J. Sijpestejin (2005) has been transferred into a database (Thomann 2015). The *Taiwan Historical Digital Library* (THDL) contains a large number of texts from land deeds. Charters are also included in the *International Dunhuang Project*. The *Turfan Archives* contain many charters, and they are continuously published online. Archives are increasingly publishing their descriptions all around the world (e.g. the *National Palace Museum Database* in China to cite a major example outside of Europe). In the South Asian/Tibetan area, which is of special interest in this volume, there is the *Digitized Tibetan Archives Material* at Bonn University (1998–2005), a database of images and transcriptions from the collections initiated by Peter Schwieger and Dieter Schuh. Charles Ramble and the Tibetan Social History Society are publishing the *Documents of Mustang* online (Ramble 2012–2016), while the printed versions of the documents (Ramble 2008, forthcoming) are in preparation. Only recently a large database of Nepalese documents has been put online by the Heidelberg Academy of Sciences and Humanities in collaboration with the National Archives, Nepal, the *Documenta Nepalica* (2016), which offers a catalogue of published and unpublished historical documents from Nepal and scholarly editions of selected documents. The catalogue makes use of the work of the *Nepal-German Manuscript Preservation Project* in Hamburg, which recorded Nepalese manuscripts to enhance their preservation in the form of microfilms. The editions include images taken from the microfilms.

All these databases demonstrate that the digital representation of charters can have different research interests. However, they are shared

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independently from the cultural context: the THDL offers access to full texts like the *Chartes Originales* and DEEDS, although the complexity of search functionalities (Chen et al. 2007) is considerably higher in the Taiwan database than in the French and the American ones. The *Persian Digital Archives* or the Bonn databases aim at publishing images like *monasterium.net* does. Archival databases give brief descriptions of the content of documents all over the world. The *Codice diplomatico della Lombardia Medievale* aims at scholarly editions like the *Documenta Nepalica* and the *Documents of Mustang*.

Publishing charters online in databases is facilitated by the fact that the genre fits very well in the intellectual schema of a database: each document is easily identifiable as a database record that can be described by structured metadata. The databases differ only in their digital representation of the charter itself: it can be a textual document or a physical object with no possibility of digital representation or with an image as digital representation. The special situation of a transmission of charters outside archival organization leads to the insertion of the documents into databases of artefacts in which they often are only described generically as a "document" and lack even minimal information on the content of the document. Digital diplomatics enforces the perception of charters as physical objects outside archival organization. Global diplomatics thus cannot reduce itself to a sub-branch of archival science.

Description Standards

This similarity between the databases dedicated to charters suggests that they share a common data structure. They may even support the exchange of information by using a common format to export the data. In 2004 the *Charters Encoding Initiative* (CEI) was founded to foster this interest (Vogeler 2004). It developed a proposal for an XML mark-up of charter descriptions (Charters Encoding Initiative 2004–2016). A group of Greek scholars published an independent suggestion for an XML description (Poulimenou/Asonitis/Poulos 2009). The comparison of the two mark-ups gives a good insight into what diplomatists could share when creating digital descriptions of charters. The Greek proposal distinguishes three major groups of information: general observations, the text itself, and diplomatic observations. The general observations include the general identification by category, date and abstract and a

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description of the original document. The text includes mark-up for palaeographical observations, names and the diplomatic discourse. The diplomatic observations give some more detailed information on the object. This is useful to evaluate the authenticity of the document like the scribal hand, anomalies in writing and material, and finally specific details of Byzantine privileges. In the CEI you find a proposal for a very similar mark-up. The charter description (`cei:chDesc`) contains metadata on the charter, like the date and place of issuing, an abstract, the description of the original, means of authentication and generic diplomatic descriptions. The text can contain palaeographical mark-up, names and other references for indexing and the diplomatic discourse. It is usually less specific than the Greek mark-up and extends the possibilities of mark-up to diplomatic facts missing in the Byzantine Chrysobulls, like subscriptions by a public notary.

Both proposals for standards share many features. Palaeographical observations and names are generic mark-ups for every kind of text. However, they share three groups of categories specific for the work of diplomatists: the double representation as a text and as an abstract of the content (1), descriptive information dedicated to concepts of diplomatists (2), and a text structure typical of the diplomatic texts (3). In particular, the first of the three categories can be found in the databases I have described as well: archival databases are focussing on the description of the content and basic observations of the material aspect, but share this kind of information with many databases dedicated to charters.

The CEI and the Greek proposal share their technical approach. They suggest encoding the information in XML. That is partially due to the fact that XML was the dominant standard for data exchange at the beginning of this century. When it comes to the text, XML offers additional possibilities to handle text, which are beyond this historical coincidence. Mark-up explicitly shows the structure of a text without destroying the representation as a sequence of characters. It is therefore appealing to use XML to encode the typical textual structure of charters, the so-called "diplomatic discourse".

A good example is given by the structural analysis of a royal Ethiopian document published by Anaïs Wion (2011: 62). To fulfill the syntactic requirements of XML, you just have to add two tags as a root element surrounding the document as a whole, delete spaces from the names for the structural parts given by Wion, and add a closing tag for each part:

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Listing 1: Charter of King Lebnä Dəngəl of Ethopia, 1526 XII 12: diplomatic structure given by Wion (2011: 62) encoded in XML.

```
<charter>
   <Invocation>To the glory of the Father, Son and Holy
      Spirit.</Invocation>
   <Subscription> I, Wänag Sägäd whose reigning name is
      Lebnä Dəngəl,</Subscription>
   <Provision1> have granted under the gwält statute [on
      landed property] 13 to my mother, Queen Mary, in
      Amba Sännäyt, the church (mäqdäs) of Maryam called
      Bädəglät: [list is given of the 41 parcels of land
      in the donation].</Provision1>
   <ListOfRoyalDignitaries> While the aqabe sä'at is
      Nägädä Iyäsus;14 the bəth wäddäd [is] Ros Näbiyat;15
      the lä'aqatač [is] Bəlul Žan; the governor of Tigre
      [Təgre makwännən] [is] Robel;16 the qal haṣe mäṣḥaf
      bet [is] Abrəham; the azzazi [is] Täklä Iyäsus; the
      liqä mäṣani [is] Särgis; the žan mä'əsare [is] Täklä
      Maryam; the žan ṣərur [is] Abəl; and the žan häṣäna
      [is] Giyorgis.</ListOfRoyalDignitaries>
   <ListOfLocalDignitaries> While the nəburä 'əd of Aksum
      [the spiritual leader of the Aksum Ṣəyon church] is
      Nob; the qäysä gäbäz [is] Iyaqem; the head deacon
      [is] Bäsə'əlat; the liqä märäht [is] Zä-Mika'el;
      the qañgeta [is] Kəflom; the grageta [is] Abib;17
      the mäčänot [are] Zäwday and Gäbrä Krəstos; the bet
      ṭäbaqi [are] Sənə'ənä Maryam and his son Pantaléwon;
      the däbtära, who is to implement the gwält (za-
      agolata) [is] Śärṣä Giyorgis and the writer of this
      document [ṣäḥäfihu] [is] Amdä Mika'el.
      </ListOfLocalDignitaries>
   <Provision2> Those who are installed [täśär'u] in the
      Maryam church are: nəburä 'əd Asratä Maryam, qäysä
      gäbäz Śärṣä Maryam and raq mäsare Mosa Egzi.
      </Provision2>
   <Date> The 18th year of the reign of Lebnä Dəngəl, the
      year 160 of mercy, 12th of Taḫśaś [December 1526
      CE].</Date>
   <ClauseOfImmunity> Neither the governor of Tigre nor
      the representative [hedug] of Amba Sännäyt nor
      the appointed head [śəyum], nor the "master of
      authority" [gäza'i mäläkäyna] nor any horseman nor
      the mule nor the lion [are authorized to trespass on
      these church lands].</ClauseOfImmunity>
   <ReligiousSanction> May whoever transgresses, or
      infringes on [this act], be cursed by the mouth of
      the Father, the Son and the Holy Spirit, by the
      mouth of Our Lady Mary, by the mouth of the twelve
      // Apostles, by the mouth of the fifteen Prophets, by
```

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```
      the mouth of the twenty-four heavenly priests
      </ReligiousSanction>
   <ConcludingFormula> Forever and ever, amen.
      </ConcludingFormula>
</charter>
```

Wion gives her formal description to demonstrate the textual structure and the formulaic language used in Ethiopian royal documents. Scholars from all around the world are aware of the structure and the formulaic style of charters: Szu-Pei Chen and his colleagues described the 19th-century land deeds of Taiwan stored in the TDHL as follows:

> Land deeds usually have a fixed format, many of which differ only in the names of the parties involved, the names of the witnesses and scrivener, location and boundary of the land, and the date. (Chen et al. 2007: 54)

James Clark—referring to earlier work by the Japanese scholar Yamada—could create tables of parts of the text in the Uigur documents he studied:

> After the date and the main body of the contract or document stands a section normally composed of the names of attesting witnesses, the identification of the attached seals or personal signs, and the certification of the scribe. (Clark 1975: 298)

The observations from South Asia that Timothy Lubin and others present in this volume add another example of formulaic writing with a wording that is more than just a reflection of the identical legal facts documented. Digital diplomatics offers XML as a useful tool to explicitly encode this structure.

The Ethiopian example from listing 1 shows that an XML vocabulary like the CEI could be applied to this extra-European text. A translation into the Latin vocabulary used by the CEI is shown in listing 2. It highlights the differences to the description of the structure given by Anaïs Wion (2011: 62): Elements with changed names are given in italics. Elements added are marked with grey background.

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Listing 2: Charter of King Lebnä Dəngəl of Ethopia, 1526 XII 12: diplomatic structure given by Wion (2011: 62) encoded in XML/CEI.

```
<charter xmlns="http://www.cei.lmu.de/ns/1.0">
   <invocatio>To the glory of the Father, Son and Holy
      Spirit.</invocatio>
   <intitulatio>I, Wänag Sägäd whose reigning name is
      Lebnä Dəngəl, </intitulatio>
   <dispositio>have granted under the gwält statute
      [on landed property] to my mother, Queen Mary, in
      Amba Sännäyt, the church (mäqdäs) of Maryam called
      Bädəglät: [list is given of the 41 parcels of land
      in the donation].</dispositio>
   <testes type="royalDignitaries">While the aqabe sä'at
      is Nägädä Iyäsus;the bəth wäddäd [is] Ros Näbiyat;
      the lä'aqatač [is] Bəlul Žan; the governor of Tigre
      [Təgre makwännən] [is] Robel; the qal haṣe mäṣḥaf
      bet [is] Abrəham; the azzazi [is] Täklä Iyäsus; the
      liqä mäṣani [is] Särgis; the žan mä'əsare [is] Täklä
      Maryam; the žan ṣərur [is] Abəl; and the žan häṣäna
      [is] Giyorgis.</testes>
   <testes type="localDignitaries">While the nəburä 'əd
      of Aksum [the spiritual leader of the Aksum Ṣəyon
      church] is Nob; the qäysä gäbäz [is] Iyaqem; the
      head deacon [is] Bäsə'əlat; the liqä märäht [is]
      Zä-Mika'el; the qañgeta [is] Kəflom; the grageta [is]
      Abib; the mäčänot [are] Zäwday and Gäbrä Krəstos; the
      bet ṭäbaqi [are] Sənə'ənä Maryam and his son Pan-
      taléwon; the däbtära, who is to implement the gwält
      (za-agolata) [is] Śärṣä Giyorgis and the writer of
      this document [ṣäḥäfihu] [is] Amdä Mika'el.</testes>
   <dispositio>Those who are installed [täśär'u] in the
      Maryam church are: nəburä 'əd Asratä Maryam, qäysä
      gäbäz Śärṣä Maryam and raq mäsare Mosa Egzi.
      </dispositio>
   <datatio>The 18th year of the reign of Lebnä Dəngəl,
      the year 160 of mercy, 12th of Taḫśaś [December 1526
      CE].</datatio>
   <sanctio>Neither the governor of Tigre nor the
      representative [hedug] of Amba Sännäyt nor the
      appointed head [śəyum], nor the "master of authority"
      [gäza'i mäläkäyna] nor any horseman nor the mule nor
      the lion [are authorized to trespass on these church
      lands].May whoever transgresses, or infringes on
      [this act], be cursed by the mouth of the Father,
      the Son and the Holy Spirit, by the mouth of Our
      Lady Mary, by the mouth of the twelve Apostles, by
      the mouth of the fifteen Prophets, by the mouth of
      the twenty-four heavenly priests.</sanctio>
   <apprecatio>Forever and ever, amen.</apprecatio>
</charter>
```

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The formulaic style of the documents is not a fresh observation of the modern researcher studying old documents. It is a practice already documented in contemporary literature. There is the European tradition of the ars dictaminis (Camargo 1991; Witt 2005) that influenced the style of charters to the same extent as legal language did. The Arabic literary culture has developed a similar textual genre, the *inshā'*, centred on the style. It includes model letters with some of them focussing on administrative writing. These genres spread widely (Römer 2012). In the Arabic world, the *Ṣubḥ al-aʿshā fī ṣināʿat al-inshā'* of al-Ḳalḳashandī (1355–1418) can be considered the summit of this genre (Bosworth 2007/2012). It offers a terminology for the structure of Islamic princely documents. Momin Mohiuddin (1971) gives an example of the Moghul tradition in the 16th century: the document is introduced by a *sar-nāma* ("introduction") which contains the invocation of God. The major visual element is the following *ṭughrā* of the sultan and the muhr, a stamp of a seal. The *inshā'* developed a complex system for the intitulations, used in the *alqāb* ("titles") of the issuer and the addressee in the *khiṭāb* ("public address, oration") with the appropriate greeting clauses of the *duʿā* ("calling, invocation, supplication") and *thanā'* ("commendation, praise"). The text is closed by clauses to sanction the disposition, the *ta'kīd* ("assurance, confirmation") and *tahdīd* ("threat, menace"). The documents can bear a date (*ta'rīkh*) and certainly a vast number of notes as a result of the execution of the decree (*ḍimn* "inside of, within [also for time expression]").

This could be expressed with the CEI, as it can be used to encode the basic diplomatic concepts of the text, i.e. the existence of formulaic language. Any kind of formulaic language can be identified as "setPhrase" and specified by an attribute to reference the special type. The structure of a document given by the *inshā'* as described by Momin Mohiuddin would then be expressed in the following way:

Listing 3: XML/CEI elements for the *inshā'* analyzed by Momin Mohiuddin (1971).

```
<setPhrase type="sar-nāma">
<pict type="ṭug_h_rā">
<pict type="muhr">
<setPhrase type="alqāb">
<setPhrase type="du'ā">
<setPhrase type="k_h_iṭāb">
<setPhrase type="ta'kīd">
<setPhrase type="tahdīd">
<setPhrase type="ḍimn">
```

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The European tradition had already developed a terminology for these structural parts very early on. This terminology became part of diplomatics scholarship in the 19th century. It is no surprise that European scholars like Lajos Fekete (1926), Heribert Busse (1961), or Dieter Schuh (1978), working with charters from outside Europe, reused this terminology to describe textual structures they found in Ottoman, Persian or Tibetan documents.

The example given of Moghul *inshā'* discussed by Mohiuddin could be aligned with the Latin terminology of the European diplomatist as in table 1.

Table 1: Alignment of formulae from the *inshā'* analyzed by Mohiuddin (1971) with XML/CEI-element names.

sar-nāma	`cei:invocatio`[i]
ṭughrā	`cei:pict type="monogram"`
muhr	`cei:seal`
alqāb	`cei:intitulatio`
du'ā and *thanā'*	`cei:salutatio`
khiṭāb with *alqāb*	`cei:inscriptio`
ta'kīd	`cei:sanctio`
tahdīd	`cei:sanctio`
ḍimn	`cei:nota`

i In the use of *sar-nāma* for the introductive text to the charter it corresponds to the `cei:protocol` element.

In terms of digital diplomatics, this could mean that the CEI would not only cover Latin, but also Ethiopian and Persian documents. However, we have to be careful. Names can carry specific notions bound to their language. *In nomine sancta et individuae trinitatis* ("in the name of the holy and indivisible trinity") is the default invocation of Medieval Latin imperial charters. Calling it *basmala*, i.e. using the term for the invocation of god in Arabic documents, might cause a thorough theological controversy. Digital diplomatics can help to avoid this possibility of misunderstanding. For the computer the name is only used as an identifier and has no cultural references. It can therefore be replaced by abstract identification schemes distinguishing them from the names used to talk about them. It is still necessary to give a definition of the function of the identifier for its correct application by humans, but this can avoid a cultural bias more easily.

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The definition of the XML-element `invocatio` by the CEI states

> `invocatio` marks the part of the text the CID describes under n. 185: L'invocation verbale ou simplement invocation est la formule de dévotion par laquelle s'ouvre le protocole des actes pour que le contenu en soit placé sous la protection divine et éventuellement (ou secondairement) sous le patronage d'un saint, le tout pouvant s'achever par 'Amen'. Elle peut s'accompagner d'une corix ou d'un *invocation figurée.

This refers to a supra-lingual framework developed by the Commission Internationale de la Diplomatique (CID). This committee of international scholars is a subcommittee of the Comité international des Sciences historiques/International Committee of Historical Sciences and was founded in 1971. In the 1980s it worked on an international terminology of diplomatics terms. The result of this work is the *Vocabulaire Internationale de Diplomatique* (Cárcel Ortí 1997). It is clearly a Western European endeavor: all concepts collected and defined in the *Vocabulaire* describe phenomena from documents from Latin Christianity. The major languages of the terms that are listed for each concept are French, German, English, Italian and Spanish and in the definitions you can find Latin expressions.[3] However, identification numbers are added to these terms with definitions abstract enough to cover phenomena from outside of Europe: e.g.

> Le **sceau** (lat.: *sigillum*) est une empreinte obtenue sur un support par l'apposition d'une matrice présentant des signes propres à une autorité ou à une personne physique ou morale. (n. 502, pp. 121)

or

> La **titulature** est, dans la suscription, la formule qui précise les titres et qualités (réels ou prétendus) de l'auteur de l'acte écrit—lesquels peuvent évidemment différer de ceux que porte la souscription ou le sceau—en les complétant éventuellement d'une indication sur l'origine ou la nature du pouvoir exercé ou d'une formule de dévotion ou d'humilité. (n. 189, pp. 55)

3 There are references in seven other European languages: Catalan, Danish, Hungarian, Dutch, Portuguese, Romanian and Czech.

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Thus, the correspondence between the terminology of the Moghul *inshā'* and the Latin diplomatics terms could be expressed by referencing the numbers of the CID instead of using culturally biased words:

Table 2: Alignment of formulae from the *inshā'* analysed by Mohiuddin (1971) with identifiers from the *Vocabulaire Internationale de la Diplomatique* (Cárcel Ortí 1997).

sar-nāma	*Invocatio*	VID_185[i]
ṭughrā	Monogram	VID_148
muhr	Seal	VID_502
alqāb	*Intitulatio*	VID_189
du'ā and *thanā'*	*Salutatio*	VID_194
khiṭāb with *alqāb*	*Inscriptio*	VID_192
ta'kīd	*Sanctio*	VID_237
tahdīd	*Sanctio*	VID_561
ḍimn	*Notae a tergo*	VID_347

i The interpretation of *sar-nāma* with *protocol* would lead to VID_182.

The World Wide Web Consortium (W3C) has proposed a method for constructing formal—but simple—descriptions of knowledge supporting this kind of abstract identification. To create interoperability in the web not only for documents, but for structured data as well, the W3C suggests using the Resource Description Framework (RDF). This allows the identification of resources and concepts with a unique identifier in the syntax of a web address, the so-called International Resource Identifier (IRI), which is an international version of the Unique Resource Locator (URL). These IRIs are organized in triples, which are interpreted as assertions of the form `<subject> <predicate> <object>`. The formal assertion of the identification of the second phrase in the Ethiopian example given in this style could read like listing 4. It states that something which can be identified by the unique identifier `http://ethopiancharters.et/1526-12-12#phrase2` has text and is something of the type defined by `http://www.cei.uni-muenchen.de/VID/#VID_185`. Further assertions can express that the phrases are part of a document identified by `http://ethiopiancharters.et/1526-12-12` and that `http://www.cei.uni-muenchen.de/VID/#VID_185` is a concept defined by the VID under the Latin label *invocatio*.

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Listing 4: RDF statement linking a formula from the charter of King Lebnä Dəngəl of Ethopia, 1526 XII 12 (Wion 2011: 62) to the *Vocabulaire Internationale de la Diplomatique* (Cárcel Ortí 1997).

```
<http://ethiopiancharters.et/1526-12-12#phrase2>
       ex:hasLiteral "I, Wänag Sägäd whose reigning name
       is Lebnä Dəngəl";
       a <http://www.cei.uni-muenchen.de/VID/#VID_189>.
```

Based on these methods the W3C has proposed a vocabulary to create simple knowledge representations, the Simple Knowledge Organisation System (SKOS, 2009). It provides a common vocabulary to identify concepts (`skos:Concept`) with an IRI, give a definition (`skos:definition`), and list labels in different languages used to refer to the concept (`skos:prefLabel`, `skos:altLabel`). With this the *invocatio* could thus be described formally as in listing 5.

Listing 5: A possible RDF representation of the concept of "invocation" expressed in SKOS.

```
<http://www.cei.uni-muenchen.de/VID/#VID_185> rdf:type
       skos:Concept ;
       skos:definition "is a call upon a religious entity
       to put the document under its protection"@en ;
       skos:prefLabel "invocatio" ;
       skos:altLabel "invocation"@en .
```

This method is appealing in its simplicity and is spreading in the digital realm. Thus I converted the VID into a SKOS resource and published it online (Vogeler 2013)[4] in the hope that diplomatists around the globe would refer to this resource when they want to express their interpretations of diplomatic facts—and not only diplomatic discourse—in compliance with the definitions of the VID. However, the VID still contains many definitions which are clearly focused on European diplomatics. Suggestions to enhance it are welcome. They will be published as a SKOS resource clearly stating the intellectual property of the author alongside the VID.

The integration of concepts foreign to the VID poses a problem, apart from the cultural bias of terminology. Bert Fragner (1999) has argued against the transfer of the European concepts to Persian documents not from a terminological, but from a structural point of view. The mention of the addressee and the beneficiaries can be part of the

4 The URL of the resource is http://www.cei.lmu.de/VID.

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arenga ("general introduction") and in many documents the *arenga* cannot be separated from the content. Thus the scholar cannot clearly distinguish between protocol and main text. The linguistic structure in this case is less clear than the formulaic conceptualization of the documents assumes.

The complex relationship between formulaic language and linguistic instances can be shown in the three following examples. Latin diplomatics is familiar with the term *publicatio*, which is defined as "une formule par laquelle ce qui suit est porté à la conaissance" (VID: 56, n. 196). A typical example of this introductory phrase in Latin private charters is: *Notum sit omnibus Christi fidelibus tam presentibus quam futuris* ("It should be known to all faithful to Christ in present and future") in Latin private documents from the Southern German area. Arabic private documents usually start with ام اذه "That is, what ..." (Grohmann 1954: 113). The *Dúduàn* (獨斷) states that letters from the Chinese emperors to their officials should start with "制詔三公" ("A decision instructs [one or more members of] the executive council", Giele 2006: 207). These two phrases express concepts completely different to the "making public" of the Latin *publicatio*. But they share the function in the formulaic structure of the documents of marking the beginning of a performative linguistic act which creates obligations and brings legal facts into existence. A comparison of these phenomena in a digital corpus would thus profit from analytic tools which could abstract from the culturally well-defined terms to a more general diplomatic concept, like "opener".

In fact, digital tools like SKOS can help with that. Properties like `skos:related`, `skos:broader` (for the narrower->broader-relationship) and `skos:narrower` (for the broader->narrower-relationship) defined in SKOS allow the encoding of relationships between concepts. Extending the digital VID to extra-European diplomatic phenomena would thus mean making use of this kind of method: *basmala* and trinitarian invocation of god could be described as narrower concepts to a "religious opener" that could refer to the broader concept of "opener".

With the use of XML mark-up, digital diplomatics thus offers a technology for the identification of textual structures. There are two vocabularies for the mark-up that cover phenomena of diplomatics studies, the CEI and *Text Encoding Initiative* (TEI). As they broadly overlap, the work in merging the two is under way. Both of them were built in the context of Western culture but both cover phenomena which occur globally. Nevertheless, the terminology used particularly in the description of

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the diplomatic discourse shows that there is still work to do. The work of identifying the diplomatic facts, not with terms but with abstract identifiers, has already started with the conversion of the VID into RDF/SKOS. This includes a small amount of work on abstracting concepts from different cultures, but there is still much to be done in order to establish a global ontology of diplomatics. With the help of this kind of ontology, the mark-up of the textual structure as well as the description of features of documents interesting to diplomatists can be compared in a more efficient way. The development and distribution of methods of authentication, the sequence of formulaic parts would then be described formally. If the above mentioned charter databases would apply the ontology to their data, it could lead to a global view of the social anthropology of written documentation based on empirical evidence.

Objectives

The extension of the VID into extra-European areas would certainly be an interesting endeavor in comparative diplomatics and yield probably many insights into the functions of formulaic language. This leads to the last point of my argument. What are the objectives of digital diplomatics?

The classical European interest in diplomatics is the *discrimen veri ac falsi*, the detection of forged documents. The digital representations of the charters have to support that, e.g. by indicating the means of authentication that those contemporary to the document expected. However, diplomatics has shown that these were of particular interest for the forgers as well. Diplomatists therefore check authenticity with historical methods, which go beyond what the contemporaries could do. A major approach is to compare a single document to the rules of contemporary charter production ("Kanzleimäßigkeit", Sickel 1867, 1876 and 1879: I–XIX). These rules are extracted from the surviving documents. The documentation of diplomatic features in charter databases following a common descriptive standard can support this: they establish the empirical base. They form the data to which digital diplomatics methods could be applied. Forgery detection could therefore start with finding statistical outliers in this data. There are studies supporting forgery detection with digital methods (Fiebig 2000; Brousseau 2002). However, forgeries are not found so often. The DEEDS database has shown that a statistical approach can still lead to interesting

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research results: The vast amount of undated charters in England in the 12th and 13th centuries helps to find phrases statistically significant for specific time spans and thus help to date these documents (Tilahun/Feuerverger/Gervers 2012). If we accept that formulaic writing and a significant relationship between internal and external features of charters and a specific production context are a global phenomenon, statistical analysis of this data is a global digital diplomatics method.

The *discrimen veri ac falsi* is not the only objective of diplomatics. Neither is the pure classification of documents by their features. Another core interest is to understand the legal content of the charter and its value as a historical source. The interest in the history of law, for example, has triggered lots of research not only on Latin European Charters, where even the historical diplomatics in the 19th century includes a strong legal interest (Ficker 1877–1878), but also on charters in ancient Egypt (Sethe 1920) or on the Greek papyri (Wolff 1978).

A look at Chinese scholarship on the formal analysis of documentation extends this perception. It forms part of *Wenshuxue* (文書學), in which the major interest is the organization of a bureaucratic system and its written production (Pan 2015). This has a long tradition. The *Dúduàn* (獨斷), to which I referred already earlier, was written by Cai Yong (蔡邕) in the Eastern Han period (Cai Yon lived 132–192 CE). This text does not address the means of authentication, but the form of the written documentation of an imperial decision (Giele 2006). The touching of the seal by the Chinese emperor, the scribes noting continuously the verbal decisions of the emperor, all this refers to a world in which the document itself has less importance than the action of the emperor.

The Ethiopian example I cited earlier points in the same direction. Anaïs Wion (2011) has demonstrated that the list of persons named in the middle can be considered a trace of a ritual in which the very transfer of the land granted was executed. The names are divided into two groups, representatives of the king and the local representatives. Many of them can be attributed to ritual functions—and in the end the scribe probably as well. It lays a track from formulaic writing to ritual actions and adds a socio-anthropological note to diplomatics. This trend in diplomatics can be identified for research on the documentary heritage in other areas as well. Lucian Reinfandt (2013: 297–299) reports on recent research in this direction on Mamlūk documents. Hagen Keller (2001a, 2001b, 2004, 2005) has introduced this perception for European charters.

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Digital Diplomatics thus cannot remain with the description of existing documents to be used for the detection of outliers or their classification with more or less statistical methods. It has to relate the document to the social action. The abstract as part of the data structures earlier cited is one result of this need. It gives a verbal description of the legal act documented in the charter. The VID distinguishes clearly between the *acte juridique* (VID: 22, n. 4) and the *acte écrite* (VID: 22, n. 6). It offers some typology of legal transactions documented in charters, but again they are clearly focussed on Europe (VID: 107–121). It defines concepts like "author" (VID: 24, n. 15), "issuer" (VID: 24, n. 16) and "beneficiary" (VID: 24, n. 17), which describe the relationship of the people involved in the legal action. However, witnesses to the legal act are only mentioned as part of the text (VID: 68, n. 263). Other roles in the decision-making and the legal act are lacking. When the text of the Ethiopian diplomatics gives only hints to the form of the legal action, a much more elaborate taxonomy of persons involved is necessary.

Nevertheless, digital methods can already offer more. *The People of Medieval Scotland* (PoMS) database (2012–2015) is not only a prosopographic database but a diplomatic database as well, as the persons in the database are extracted from charter abstracts that are included in the database. It allows interpreting the charters as documents of social relationships and displays the resulting networks (plate 1).

The ChartEx (ChartEx 2012–2014) project went even further. It used methods from computer linguistics to extract a formal description of the legal actions represented in abstracts of English charters. The researchers encoded persons, their interactions with each other, and places involved in these interactions. The methods applied in the project started from human annotations. With this training, the computer linguists were able to extract information automatically from the abstracts of charters in English language—not the original Latin of the documents. That does not mean that Natural Language Processing and extraction of information from text is a European method. Work is being done on other languages, like Schinke et al. (1996) or Collatinus (2015/2016) for Latin; Wong et al. (2009) give an overview of the Natural Language Processing of Chinese, Habash (2010) for Arabic. But still, the path towards a more intense use of the data for research on the administrative, legal, and cultural practice involving charters is long, as it needs the fundamental work of documenting and scholarly editing of many charters and the extension of formal descriptions of

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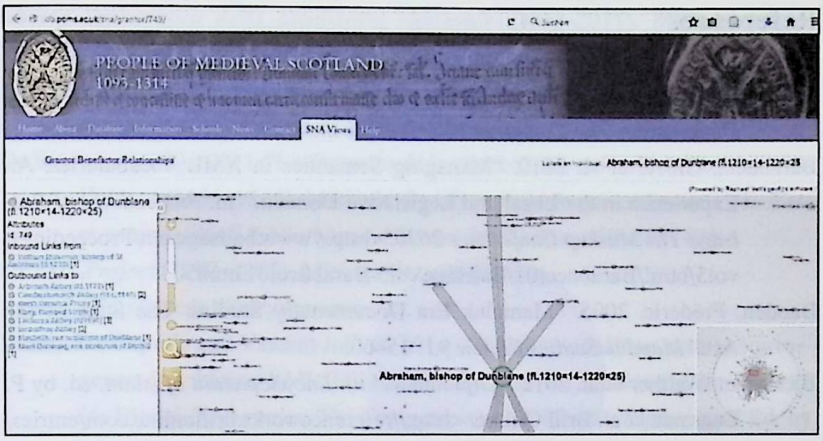

Plate 1: Social network of Abraham, bishop of Dumblane in PoMS http://db.poms.ac.uk/sna/749/.

the social actions which initiate the charters and in which they were used. A start has been made with charter databases, vocabularies for their description and technologies to identify the formulaic structure of the texts. How long the way to global digital diplomatics might be, it seems worth it.

Abbreviations

CEI	*Charters Encoding Initiative*
CID	*Commission Internationale de la Diplomatique*
DEEDS	*Documents of Early England Dataset*
ICADL	*International Conference on Asian Digital Libraries*
IRI	International Resource Identifier
MGH	*Monumenta Germaniae Historica*
PoMS	*The People of Medieval Scotland*
THDL	*Tawain Historical Digital Library*
URL	Unique Resource Locator
VID	*Vocabulaire Internationale de la Diplomatique*
W3C	*World Wide Web Consortium*
XML	eXtensible Markup Language

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Producing 'South Asian' Tibetan Documents in Highland Nepal, 19th to 20th Centuries: The Emergence and Disappearance of a Local Diplomatic Tradition

Charles Ramble

In 1855 the brothers Adolphe and Robert Schlagintweit made an attempt to enter Tibet from its far western border. After some negotiation, the official with whom they were dealing acquiesced to their request on the condition that they should not go beyond the Sutlej river on pain of paying a fine of six ounces (*srang*)[1] of gold. The official drew up an agreement and affixed his seal to it. The brothers were expected to do the same, but possessed no seal. The impasse was resolved when Adolphe applied a mark using the butt of his riding whip, a procedure that the official regarded as acceptable. The two conclusions to be drawn from this episode are, first, that the validation of agreements in Tibet at this time required the application of a seal; and secondly, that it did not matter greatly what object was used to make the impression.[2]

Tibetan religious and secular customs prevailed in many borderland areas outside the territories controlled by the Dalai Lamas or the Qing administration, as they still do outside the People's Republic of China. As these areas have increasingly come under the influence of the political centres of the nations in which they are situated, so they have changed to reflect the dominant cultures of those countries. These

1 Unless stated otherwise, all terms are Tibetan, rendered in Wylie orthographic form. Much of the research on which this article is based was carried out in the framework of the Franco-German project *The Social History of Tibetan Societies, 17th–20th Centuries* (ANR/DFG, FRAL_2011_SHTS).

2 Schlagintweit 1863: 278. I am indebted to Christoph Cüppers for drawing my attention to this passage.

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changes are of course gradual, but in the majority of domains—spoken language, dress conventions and so forth—the intermediate stages are superseded and erased, leaving only the latest forms.

A fortunate exception to this general rule is provided by local documents. Wherever there is a local archive, it may be possible to see the traces of a gradual reorientation of that community away from Tibet and towards its new political and cultural centre of gravity. The present article will examine this process in the case of Baragaon (Nep. Bāhragāũ), a mainly Tibetan-speaking enclave in the southern part of Nepal's Mustang District. At the time the Schlagintweit brothers were trying to obtain access to western Tibet, all local documents in Baragaon were written in Tibetan, and the seal was the most authoritative method of validation. Nowadays, private contracts and community documents are for the most part written in Nepali, and seals are rarely used. The transition from a Tibetan to a more South Asian diplomatic practice is observed in a number of features. These include a greater frequency of Nepali legal expressions, and shifts in the use of formulae and signs of validation, such as a preference for thumbprints over crosses and seals, and the use of Devanāgarī script to render certain words.

Most of the documents under consideration here were photographed in the framework of the *Nepal-German Project on High Mountain Archaeology* (1992–1996), under the direction of Dieter Schuh. For the purposes of the present study the documents collected in Baragaon are more interesting than those from the more northerly settlements, where the range of genres is somewhat narrower and the influence of Nepali less apparent. In fact, many northern settlements do not appear to have significant collections. The probable reason is that political authority was concentrated in the figure of the King of Mustang, and if there are records of transactions, it is likely that these were kept in the royal palace of Lo Monthang, the capital of the former kingdom; the archival collection of the palace itself has not been photographed.

Documents from Baragaon: Features of a Local Tradition

The archives of Baragaon represent a wide range of types of documents, but the majority of these may be classified under the general rubric of *gan rgya*, a term that may be translated as "contract", "written agreement" or "covenant" according to the particular context. The validation of *gan rgya* usually requires the participation of at least

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two parties, either individuals or groups, but generally more: most *gan rgya* involve a witness and, in the case of dispute-resolution, one or more mediators.

The conventions for the validation of *gan rgya* include formulae such as perpetuity clauses (see Lubin, in this volume). Among the most common are the aspiration that the terms of the agreement should pertain "until the black crow turns white", "until Mt Kailash melts and Lake Manasarovar dries up", "until the world ages end", and so forth. Other formulae advocate appropriate conduct, citing examples of behaviour that should not be exhibited. One should avoid:

- expressing any dissent so much as the buzzing of a fly
- saying "it was not I but he/she"
- blaming the left for the fault of the right, or blaming the son for the fault of the father
- carrying a famous name on the nape of one's neck
- having two lines on one's heart or two tongues in one mouth
- being snagged on the forest branches or skidding on the meadow

These formulae are also to found in contracts from Central Tibet, but there are others that appear to have an entirely local provenance and currency in Mustang. A relatively recent covenant (from 1968) contains a number of clauses that are known only from a few documents, all from Baragaon, and some that are attested in no other document. In the former category we find:

- acting as a single brood of partridges
- that a son with an evil father should not himself be evil
- our community should be as a brimming vessel of milk
- the little hand should only be open…

A formulation that has not been found in any other document is: "The vulture soaring along the cliffs; the goose sailing on the water." While the significance of the last couplet is obscure, it seems likely that those in the first set are not so much perpetuity clauses as exhortations to community solidarity. This is supported by the fact that the first in the series is a declaration that features in numerous covenants and community oaths of loyalty: "Information from the outside should be brought to the inside; internal information should not be taken outside" (Ramble/Nyima Drandul 2016: 56).

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The Use of Non-Tibetan Terms

In addition to such formulaic idiosyncrasies, documents from Baragaon feature other peculiarities such as the occurrence of terms belonging to the South Mustang dialect of Tibetan (SMT), as well as from Seke (*se skad*), a Tibeto-Burman language that is spoken in a few settlements. While these traits may represent legal and administrative usage that is distinctive of a particular enclave in Nepal, the 'South Asianness' of the documents is to be found even more obviously in other features, notably terminology and validation procedures. It is well established that Tibetan contains a certain number of loanwords from Indo-European languages.[3] Perhaps the best-known example of such a loan is the Tibetan word *deb,* signifying a Western-style book. *Deb* is an abbreviation of *deb ther,* a Tibetan rendering of *daftar,* the Persian (and Arabic) term for "records", which is in turn derived from the Greek *diphthera*, "skin"—a writing surface. Administrative documents from Central Tibet do not contain many foreign terms (other than those referring directly to non-Tibetan institutions). This is also true of the earliest such documents we have from South Mustang, dating from the late 17th century. In the second half of the 19th century, however, under the Rana regime, Nepali legal terms appear with considerable frequency. Written communications between villages and government institutions written in Kathmandu or in Mustang necessitated translation into the appropriate language, and it is likely that many of the Tibetan language case records that we find in local archives were drafts of petitions and responses that would subsequently be rendered into Nepali, or else Tibetan translations of Nepali court proceedings. However, the occurrence of Nepali terms in documents related to intra-village affairs points to an internalisation of national judicial conventions. Before turning to the use of legal terminology, mention may be made of the haphazard appearance of loanwords and Nepali expressions in the documents, something that we would be unlikely to find in documents from Tibet. A letter from the tax office in Dana (southern Mustang) to the people of Baragaon, dated 1912, refers to an attack on the local customs post by four armed noblemen from Baragaon. The document specifies that the attackers were carrying *si la du bogs. Si la* almost certainly represents the

3 For a general discussion of the Indo-European stratum in the Tibetan lexicon, see Beckwith/Walter 1997.

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Turkish term *silah,* meaning "weapon"; *du bogs* is an orthographic variant of the more usual spelling *tu pag* (locally pronounced *dowak*), representing the Persian *top*, a cannon or gun. A *si la du bogs*, then, is simply a firearm of some sort. (A Central Tibetan document would rather use the expression *me mda'*, literally "fire arrow".) The second example is from an undated letter from a noblewoman of the Muktinath Valley, addressed to the *subbā* Sankarman Serchan (and therefore probably from the 1930s or 1940s), apparently concerning the whereabouts of her missing son. The rather confused account contains the following passage:

> *bu chung ba dpen par (< spen pa) nis (< ni) | rna ma (mna' ma) dkar stog gi (dkar tog gis) bo lis par byis tha spong tsha bzer nas gro (< 'gro) song bzer dug (< zer 'dug) |*
> As far as my younger son Pemba is concerned, according to my daughter-in-law Kartog, he said "*bo lis par byis tha spong tsha*", and then departed.

The untranslated direct speech of the younger son Pemba reproduces the Nepali phrase *bholi parsi thāhā pāunchā*—"We'll find out in a day or two".

More significantly, from the end of the 19th century we find the increasing use of Nepali legal and administrative terms (themselves often derived from Persian or Arabic). This usage is perhaps most conveniently illustrated in tabular form. Table 1 presents a list of fifteen such terms that occur with varying degrees of frequency in Tibetan documents from Baragaon dating from the late 19th to the mid-20th centuries. The Tibetan orthography for these terms is by no means standardised, but only in the case of the last two terms does the table give examples of some of the variants that are to be found.

Seals, Crosses and Digital Prints

The increasing incidence of Nepali administrative and other vocabulary is an obvious symptom of the closer integration of peripheral areas into the orbit of national institutions. A less obvious, but equally significant, indicator is to be seen in the kinds of marks that are used to validate documents. The following section will examine the types of marks that appear in documents from Baragaon, and will attempt to

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Table 1: Examples for Tibetan renderings of Nepali legal and administrative terms used in Tibetan documents from Baragaon from the late 19th to the mid-20th centuries.

Found in document	Nepali term	Meaning
a mal ska rtsar	*amāl kacahari*	government court of law
phi ra spa ltar	*phirād patra*	formal letter of complaint
pher ste bha sti	*phirti bādi*	formal response
phar shi pha tar	*prattiutarpatra*	legal rejoinder
bha rdi	*bādi*	petition
brtab shil	*tapsil*	particulars
pha rib	*pharep*	accusation
dzwa her gi bha bri	*jāher bādi*	petition
mug ga 'ja' man	*mukhko jamāni*	verbal testimony
dkal yal na ma	*kāyal-nāmā*	written confession
so dbal	*savāl*	legal manual
sla mor	*lālmohar*	royal edict
ra rdza spang rdza	*rāja pāñca*	five-fold majesty (i.e. king of Nepal)
an/dben	*ain*	legal code
ldan dza ma nis *bdan dza ma nis* *sdan dza ma nis* *sdan mdza ma nis* *ldan mdza' ma ṇi*	*dhan jamāni*	financial guarantor

discern a pattern in changing usage. The earliest document considered here is from 1867, and the latest is from 1993.

Until 1857, the main figure of authority in Baragaon was the duke, *khri thog pa*. In conformity with a policy that had been applied in many parts of Nepal following the country's unification, the dukes were native rulers who, since 1789, had governed on behalf of the Gorkhalis in Kathmandu. In 1857, the government introduced a system of contractual revenue-collection known as *ijāra*. Power at this time shifted to another local aristocrat who had the title of *sku zhabs* ("venerable one"), a common Tibetan term of address or reference for prominent laymen

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and clerics. It is not clear whether the latter had the full jural rights of a contractor (*ijāradar*) or if he was the local representative of a southerner who held the contract. The title of *sku zhabs* was held by more than one individual at any given time, suggesting that the title was extended to a family rather than confined to a single person. The seals of these *sku zhabs* appear on several documents, a fact that will be discussed further below. The judicial power of the *sku zhabs* came to an end in the late 19th century when a family from the Thak area, in southern Mustang, secured the monopoly over the salt trade; the new contractors, who were given the title of *subbā*, thenceforth exercised direct control over the entirety of Lower Lo and, to a lesser extent, over Upper Lo as well.

It was not only the political leadership that used seals with which to endorse documents. Plate 1 is an internal agreement among the seventeen households of Lubrak, a community of hereditary Bonpo priests. Until 1887, the community had been exempt from taxation, but in this year the *sku zhabs* (or the contractor whom he represented) withdrew the privilege and imposed on the priests an annual tax of 31 rupees. The village opposed the tax. This document registers the decision to refuse to pay the sum, and also to compensate, from the public coffers, any household that might be raided by the *sku zhabs*' bailiffs with a view to seizing property to the value of the tax owed. Each of the names is followed by a seal, signifying endorsement of the resolution by the representative of the corresponding household. A few features of this document—to which I shall return below—deserve further comment at this stage.

1. The sixth and eighth names in the left row are not endorsed. The numerous possible explanations for the omission include absence from the meeting and simple oversight when the document was being circulated for signature.
2. Four of the signatories have signed with crosses. The name in line 5 of the left column is that of a woman, but we cannot conclude from this that seals were reserved for men and crosses for women. The first two names in the left column belong to men, while the seventh (*dpal bzang*) could be either a man or a woman. The last signatory in the right column, Tshe ring dpal mo, has used a seal.
3. Why the first signatory should have both a cross and seal after his name must remain a matter of conjecture.
4. In a number of cases the same seal is used by more than one signatory. The significance of this will be addressed below.

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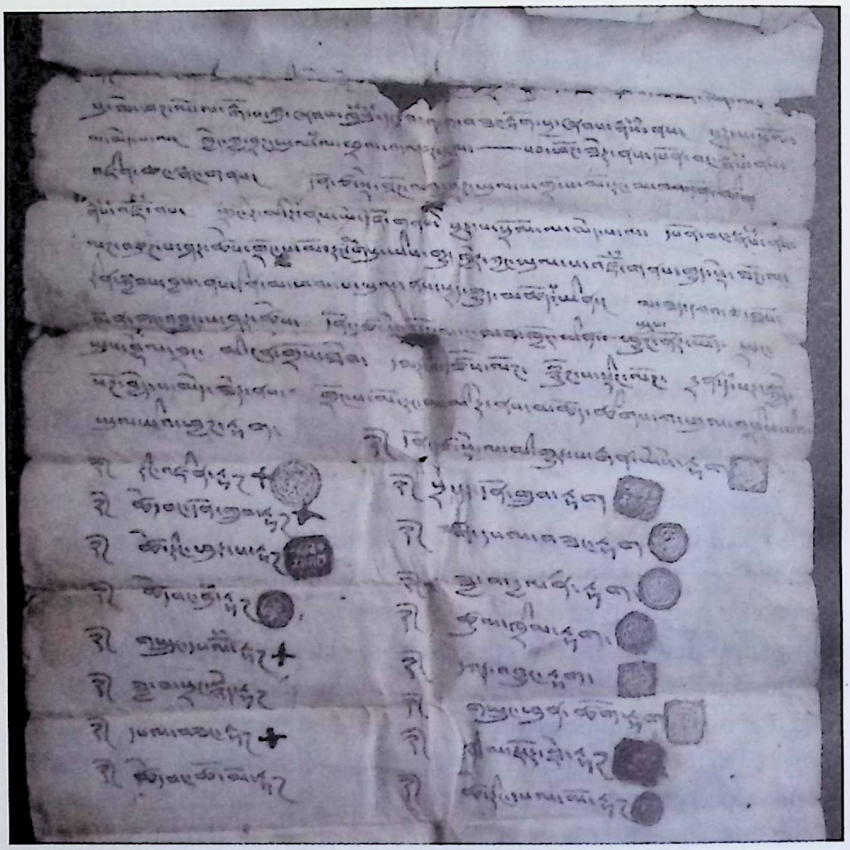

Plate 1: Agreement by the households of the village of Lubrak to oppose the imposition of a new tax (1887).

It is instructive to compare plate 1 with the following document (plate 2), from the same community, but drawn up almost seventy years later in 1956.

All the same households are represented, but now they no longer mark their assent with crosses or seals. Almost all use thumbprints. The method of endorsement that has been used by the one exception—the first signatory—and also by one of the witnesses in the left margin will be examined below. For now, however, I would like to offer some tentative remarks on why the use of seals may have given way to fingerprinting in the Mustang archives.[4] This is related to the increasing presence of Nepali terms in the documents at this time.

4 I have found no information concerning the use of finger- and thumbprints to endorse documents in Tibetan areas. It may be that the available resources—such as the Kundeling archive of Lhasa and the Sikkim Palace archives—will

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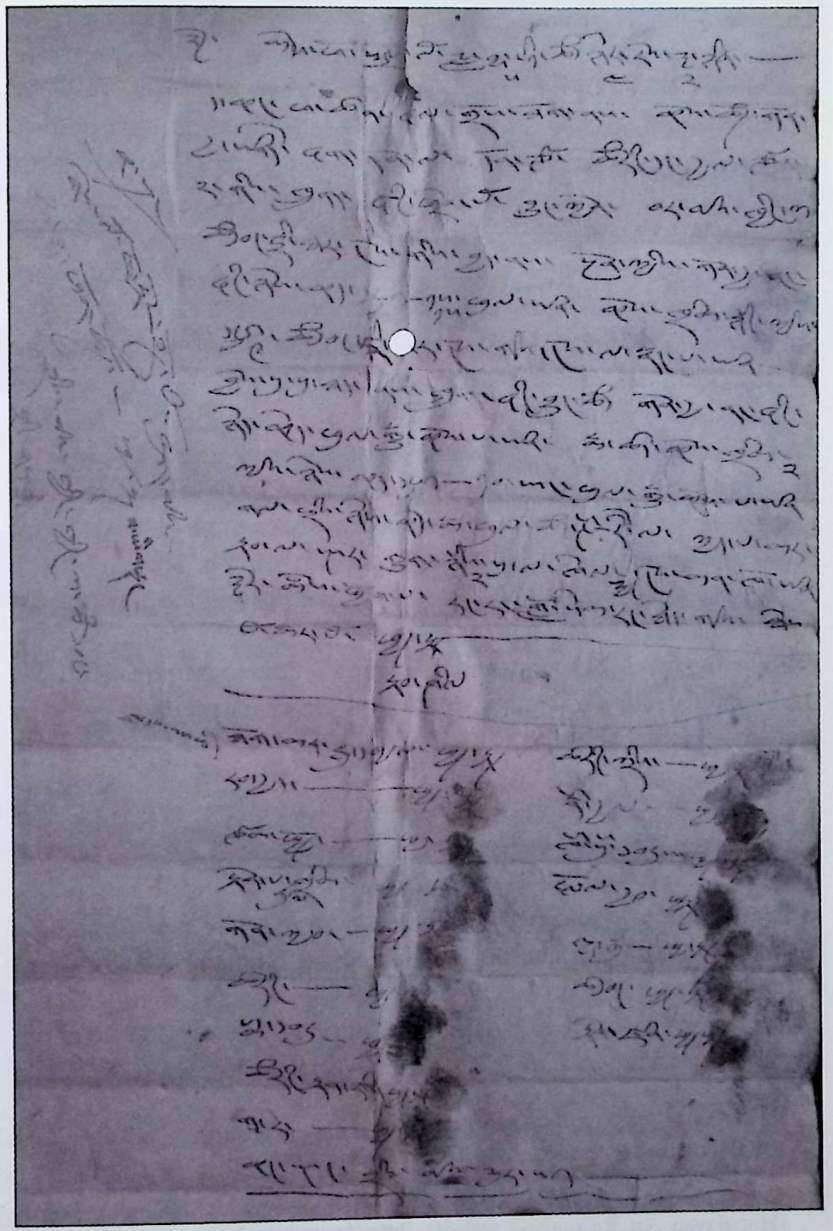

Plate 2: Resolution of a dispute within the village of Lubrak (1956).

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A History of Digital Prints

The use of finger-, thumb- and handprints to validate documents, on paper, clay or silk, has a long history in several parts of the world, including China and the Near East. The 13th-century Persian doctor Rashideddin, remarking on the Chinese use of fingerprinting to identify people, observed that "no two individuals have fingers exactly alike" (Cole 2001: 60–61). What, if any, influence these traditions may have had on Tibetan usage is not yet known.

Hand- and thumb-printing were quite commonly practised in Tibet. Although 'finger seals' on contracts are known from as long ago as the Imperial Period (6th to 9th centuries),[5] the best-known examples are related not to the validation of documents but to the blessing of religious texts and paintings.[6]

The expansion of the use of the thumbprints as signatures on legal documents in Mustang is likely to be related to the development of the practice in Nepalese legal usage. A spectacular example of a handprint being used in an official administrative context is to be seen in plate 3, a Nepalese government order, dated 1846 and bearing the handprint of King Rajendra Vikram Shah.[7] In the sense that the print 'empowers' the document with royal authority, the function is not too far removed from the explicitly religious connotations of the endorsement of thangkas by lamas mentioned above.

The "Lepcha Stamp"

It is not known when the use of fingerprinting as a way of signing legal documents became generalised in Nepal, but there is a story concerning the origin of the practice that contains some intriguing clues.[8] Following the assassination of the Sikkimese chancellor Bho lod rNam rgyal phun tshogs around 1826 by the seventh Chos rgyal, a faction

be an adequate basis from which to advance our understanding, but to the best of my knowledge no such study has yet been undertaken.

5 See Takeuchi 1995.

6 Numerous examples of such manual benedictions may be found on the HAR (Himalayan Art Resources) website (http://www.himalayanart.org/ [accessed 10 July 2017]).

7 The document was microfilmed by the *Nepal-German Manuscript Preservation Project* (reel no. DNA 16/86) and edited by Khatiwoda et al. (http://digi.hadw-bw.de/view/dna_0016_0086/0001).

8 The story was told to me by Ramesh Dhungel.

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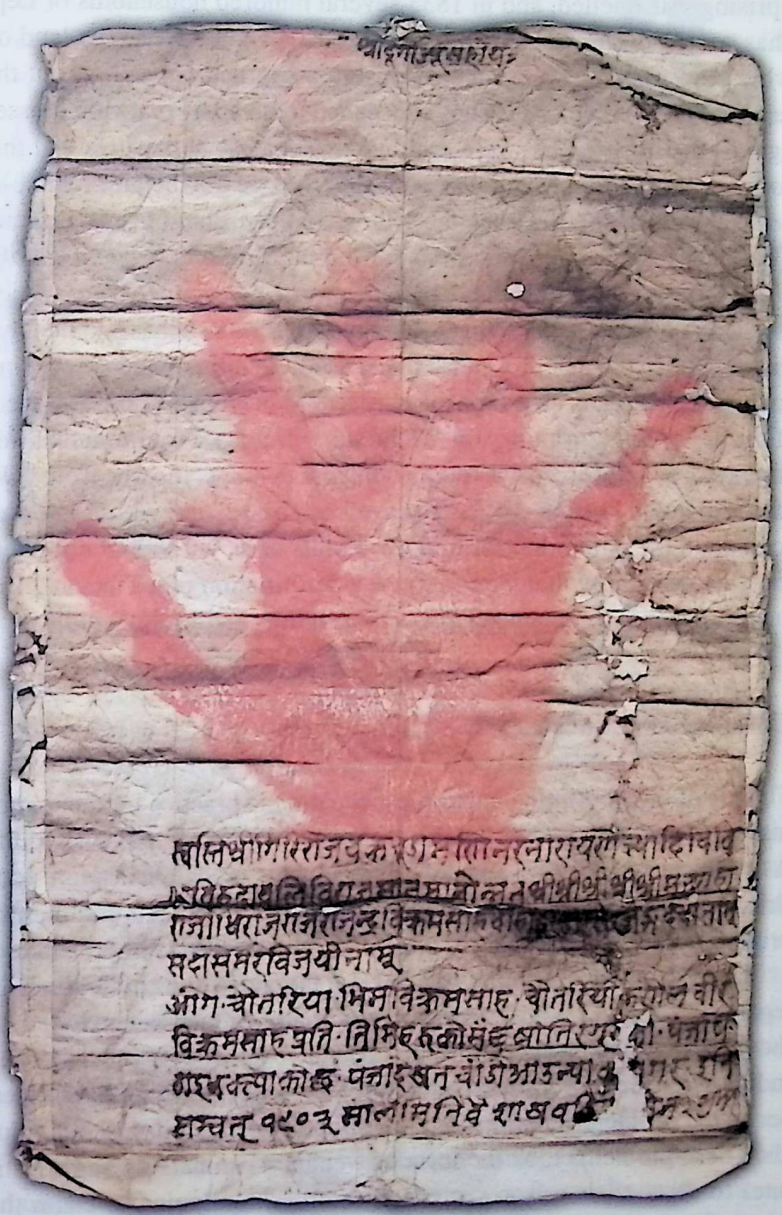

Plate 3: Handprint of King Rajendra Vikram Shah, 1846 (©National Archives, Nepal).

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of Lepchas under Yug Drathub rebelled against the government. The uprising was quelled, and in 1835 several hundred households of Lepchas sought refuge in Nepal (Mullard 2015). They were given land on which to settle and were obliged to sign an agreement setting out the terms of their acceptance. They proceeded to do so by marking crosses against their names, but were told by the Nepalese authorities that this form of signature—which was considered to be a Tibetan practice—was unacceptable, and that they should apply thumbprints instead. There are two Nepali expressions for thumbprint: one is *buḍhī-aũloko chāp*, literally "thumb stamp"; the other is *lepcā* or *lāpce chāp*, which is said to mean "Lepcha stamp". Why the fugitive Lepchas should have given their name to a procedure that was alien to them and (according to the story) already an established procedure in Nepal is not explained. If the use of fingerprinting was, as the story implies, a tradition that was imported or reinforced by foreign influences—specifically from Sikkim—then the Lepcha story may have been associated with it in order to explain the unfamiliar term *lāpce*. In this case, we should not overlook the possibility that *lāpce* may be a deformation of a Tibetan term, such as *lag rjes* (pronounced *lakche*), meaning "hand print".

Colonial Influences

The use of thumbprinting in Nepalese diplomatic practice in Rana times may have been inspired by contemporary developments in British India. As we shall see below, Rana-period documents made extensive use of British titles and even English-language seals, so the idea that thumbprinting was adopted as part of this trend is by no means improbable.

The use of fingerprinting to establish the identity of individuals in legal and criminal contexts was substantially pioneered in India. In the 1850s, William (later Sir William) Herschel was an officer of the Indian Civil Service in Bengal, where the police and judiciary faced persistent problems arising from the difficulty of identifying individuals. These problems took the form of wealthy criminals paying substitutes to serve their prison sentences, families continuing to claim the pensions of deceased relatives, and parties to agreements repudiating their signatures. A watershed moment occurred when Herschel drew up a contract for 2000 maunds of road metalling with a certain Rajyadhar Konai in 1858, and asked Konai to endorse the document with the print of his hand (plate 4).

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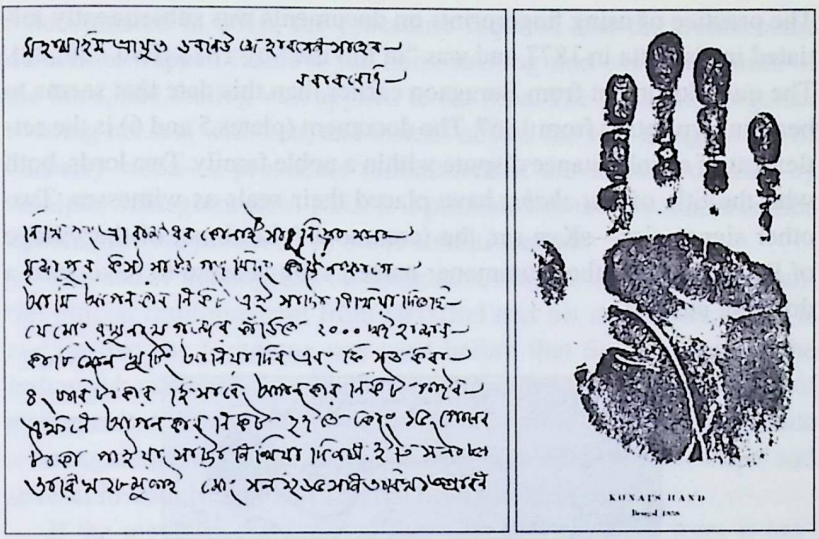

Plate 4: Contract between W. Herschel and R. Konai for 2000 maunds of road metalling (reproduced in Herschel 1916).

According to Herschel,

> [t]he decisiveness of a finger-print is now one of the most powerful aids to Justice. Our possession of it derives from the impression of Kōnāi's hand in 1858. (Herschel 1916: 9)

The system of classifying fingerprints was also subsequently developed in Bengal. The main architect of the system was Sub-inspector Azizul Hacque, a mathematical prodigy who was working under the supervision of Sir Edward Henry of the Bengal Police Force.

Herschel had earlier established that fingerprints remained consistent over time, and were therefore a foolproof way of identifying signatories. He illustrated the limits of the system with a grisly anecdote that does, admittedly, have an apocryphal ring to it:

> As long as I was at Hooghly I was quite satisfied that no will or other deed registered there with the new safeguard would ever be repudiated by the actual executant. I have had to think otherwise since then, because many years afterwards a man … who had given his finger-print before a Registrar repudiated it. He was summoned to give his evidence on oath. It was found that he had cut off the joints of his fingers… (ibid.: 19–20)

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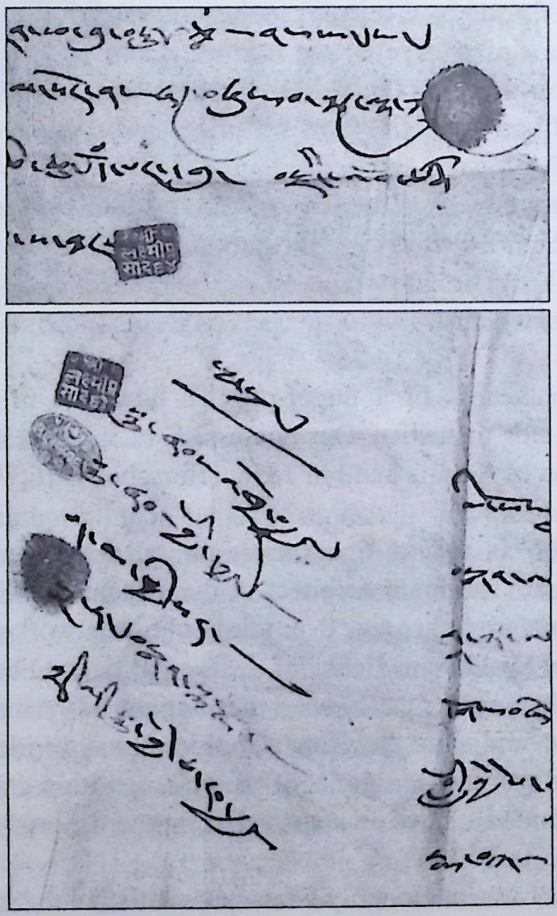
The practice of using fingerprints on documents was subsequently initiated in Calcutta in 1877, and was "in full use" by 1878 (ibid.: 20, 22). The only document from Baragaon earlier than this date that seems to bear fingerprints is from 1867. The document (plates 5 and 6) is the settlement of an inheritance dispute within a noble family. Two lords, both with the title of *sku zhabs*, have placed their seals as witnesses. Two other signatories—sKye sar, the (commoner) headman of the village of Purang and another commoner named sTag la seem to have used a different method.



Plates 5 and 6: Details of an inheritance dispute, from the archive of Baragaon, Mustang (1867).

The marks could be fingerprints, but the fact that no epidermal ridges are visible leaves open the possibility that some makeshift seal may have been used. In the course of an exorcism ritual in Mustang that

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I documented in 2010, the procedure required that the troublesome demon be trapped inside a yak horn, sacking tied over the mouth of the horn, and sealing wax applied to the rope. The lama had forgotten to bring his seal with him, and instead affixed the wax using a stick of barberry wood—a procedure reminiscent of the solution devised by Adolphe Schlagintweit in 1855. It is possible that the two marks on this document were produced by some similar method.

The use of thumbprints on documents may have received substantial official reinforcement from Herschel and his successors, but it is certain that the technique was used before that time in parts of the Indian subcontinent. Saul Mullard has informed me of the existence of fingerprinted documents from Sikkim pre-dating 1877. These include a tax agreement of 1789 from Morong, in a north Indian script, and several in both Nepali and Tibetan from the 1840s.

If the marks in plates 5 and 6 *are* fingerprints, their form is nevertheless visibly different from that of the thumbprints that appear on later documents. It may be tentatively concluded that we are dealing with two different traditions: an older, 'indigenous' form that entailed the application of a mark using a fingertip, and a later, British colonial practice of using the pad of the thumb. For the present, however, this suggestion must remain speculative.

Three collections of Nepali documents from Mustang have been published by the late Madhav Karmacharya (1996, 2001a, 2001b). These documents range in date from the late 19th and 20th centuries, and the earliest that can be reliably dated to feature a thumbprint is from 1911. But it is in a later document, from 1924, that we find unequivocal evidence that the thumbprint is regarded not just as a substitute for a seal, but as an inalienable token of an individual's identity. The document is described as a public notice about the abolition of slavery, after the Prime Minister, Chandra Shamsher Jang Bahadur Rana, had officially declared an end to the practice on 13 April of that year. The process of emancipation entailed the validation of a designated form by various parties, notably the slave-owner and the slave, and the procedure is prescribed as follows:

> if … the names and addresses of the owners and the names and age of the slaves who have or have been presented are found to be correct, the printed forms designed after the regulations shall be filled in, and the owners, land-agents and people in the neighbourhood shall be made to put their signatures on it [under

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> their handwriting] and the slaves to do so with thumb-impressions of both hands put in a way to make conch and circle marks (*saṅkha-cakra*) come out distinct, and (on completion of which) the statutory price of the slaves shall be paid to the owners, and the slaves shall be declared liberated. (Karmacharya 2001a: 59, ll. 59–62)[9]

The "conch and circle" motifs are of course a reference to the loops and whorls of the slave's thumbprints, and the insistence that they should be clearly visible indicates that the prints were not merely symbolic, but a means of identifying the individual who had set his mark in this way. As we shall see presently, the practice of validation by signature alone, which is enjoined on the (presumably literate) slave owners, seems to have become a part of diplomatic practice in Tibetan documents of Mustang only much later.

While the principle of using thumbprints is that they are specific to the person who applied them, seals may be associated either with an individual or an institution, such as an office or an enterprise. (This means, of course, that they can be—and often are—stolen.) Some of the seals we have seen are clearly personal, as in plates 5 and 6 where the imprints feature the Nepalese names of the two lords. By contrast, we know that certain seals that were presented to particular Dalai Lamas, for example, were also used by some of their successors (Schuh 1981).

In a document dated 1898, we see the same seal appearing after the names of two different people. These two are a married couple, and the document is a contract for the sale of a field. It is clear then, that the seal represents not the individuals but their household.[10]

This observation provides an important clue as to why the same seal was used by different signatories in the document shown in plate 1. The signatories all represent different houses, so the pairs do not stand for married couples. The explanation is to be found in the fact that there are different categories of households in the communities of Mustang (as indeed in most of Tibet). Each of the signatories in plate 1 represents a domestic unit known as a "house" (*khang pa*). A higher-order category of household is the "estate" (*grong pa*). Some of the houses

9 I am indebted to Axel Michaels for drawing my attention to this document.

10 Archives from Mustang contain several examples of couples separately affixing the same seal. This shows, among other things, that husbands and wives had equal property rights.

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in the list have the status of full *grong pa*, while others are the components of such estates that have split. The fact that seals are shared by the component houses of certain estates suggests, among other things, that the acquisition—or allocation—of these seals took place before the fission of the estates in question occurred.

A point that should be made here is that techniques for the validation of documents vary in the degree to which they are personal. Fingerprints are, in theory at least, inseparable from the individual, while seals may be either personal or institutional. Towards the more impersonal end of the spectrum of possibilities is the cross. While the evidence suggests that the cross may have been increasingly replaced by the thumbprint, it is also the case that they continued to be used in certain circumstances.

In 1942 an agreement was drawn up between a village and a nearby nunnery. The village agreed to allocate to the nunnery the second of any three daughters born to a family, and the representatives of the households validated the agreement with their respective thumbprints. The nuns who were already in the convent were also party to the agreement. However, they endorsed the document not with thumbprints, but with crosses. The formula that precedes the crosses states:

> *spyi legs [lag] skor skyi [gyi] rtags*
> the sign denoting that [the document] has been circulated around the group from hand to hand.

The nuns, then, were not signing as individuals but as a collectivity; the crosses were drawn by the scribe, and stand for the fact that each of the nuns had simply touched the document and thereby bestowed her consent. In certain cases, the expression "circulated from hand to hand" does not refer to the document itself, but to a seal that has been applied or to the pen that was touched by all the participants before it was used to mark a cross.

Many documents reveal an interesting form of endorsement that combines the impersonal and the individual. The following document (plate 7) is a contract for the sale of a field in 1890. After the name of the vendor, "Uncle Namkha" (*a kyis nam mkha'*), is a smudged cross. On closer inspection, the curved striations to the lower right are seen to be the epidermal ridges of a thumb. The sign has been produced by marking a cross on the thumb and then, while the ink is still wet, pressing it to the paper.

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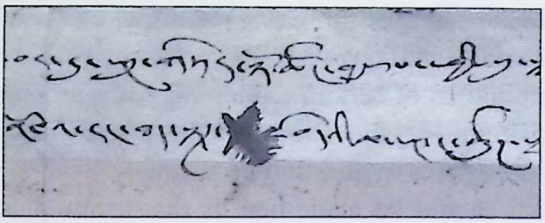

Plate 7: Detail of a contract for the sale of a field from the archive of Upper Tshognam, Mustang (1890). Photo: Agnieszka Helman-Ważny.

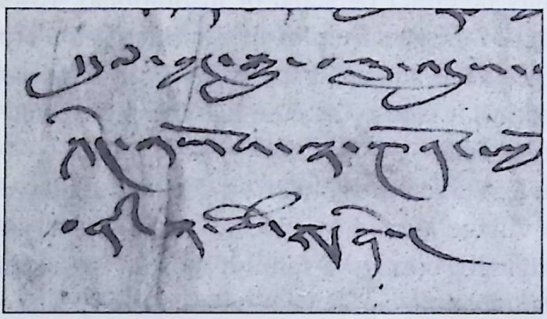

Plate 8: Loan contract from the archive of Baragaon, Mustang (1935).

If, as suggested above, these modifications in the procedures for validating documents reflect the growing influence of Nepalese diplomatic conventions, this influence is even more apparent in the increasing incidence of Nepali terms over the course of time. Before developing this point further, a note of caution should be sunded. The degree to which Tibetan documents exhibit Nepalese features depends on a number of factors, notably the purpose of the document and the identity of the writer and intended readership. As we might expect, documents dealing with local religious affairs, such as the organisation of community rituals, are likely to retain their consistency with traditional Tibetan practice, while those that relate to national institutions have a more Nepalese character in terms of both vocabulary and formulation.

In the second document (plate 2) considered in this article, it was seen that the first of the signatories and one of the witnesses had marked their endorsements not with a seal, thumbprint or cross, but with the syllables *sas yig*. A clue to the meaning of this expression is given in the choice of script that the signatory has used—not the *'khyug* of the rest of the text, but a more formal headless script. And here, in the last two syllables of a document from 1935 (plate 8), we see that the scribe has eschewed the thumbprint in favour of a *sa he*, written in the 'headed' (*dbu can*) Tibetan script.

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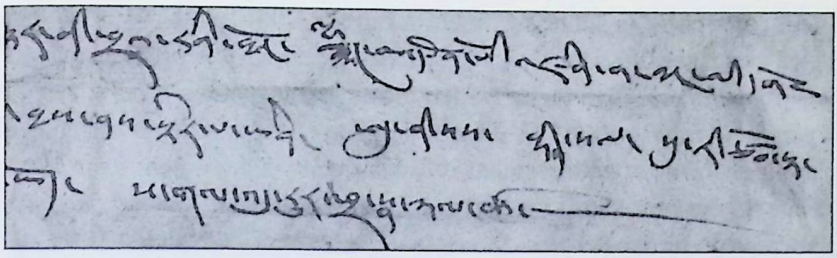

Plate 9: Detail of an official government document from the village of Chongkhor, Mustang (1863). Photo: Dieter Schuh.

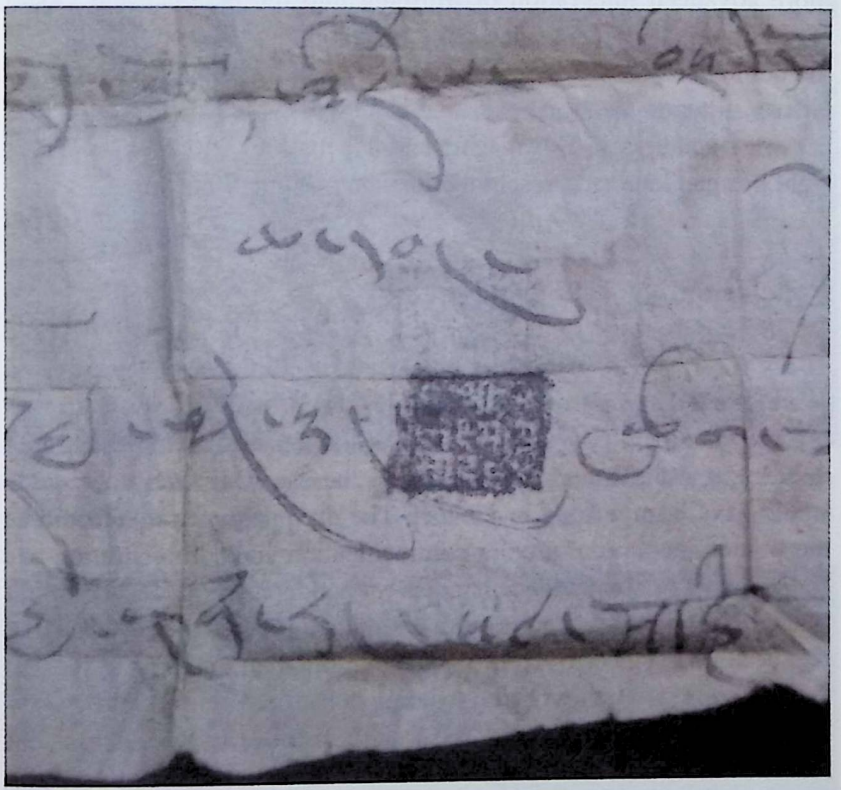

Plate 10: Detail of an agreement concerning a debt from the archive of Lower Tshognam (1912). Photo: Agnieszka Helman-Ważny.

Now, it is sometimes the case that a change of script signifies a formal statement in a language other than Tibetan. The concluding line (plate 9) of a long document—the Tibetan translation of a Nepalese government ruling from 1863—offers an example of just such a shift.

The final phrase of the same document reads: *sa gal 'du rur phra sna kal tsha*, which probably represents the Nepali *sakal durusta nakal*

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cha ("this copy is identical to the original").[11] In plate 10 (the final word), we see that the same word has been written in Devanāgarī script: *sahi. Sahi* is in fact a Nepali term meaning "signature" (derived from the Arabic *ṣaḥīḥ*). The increasing use of the term *sahi* to replace the older forms of endorsement is illustrated by a document from 1983 (plate 11), where six of the signatories use either *sa yig* or *sa hi* as the Tibetan rendering of *sahi*.

For the first time, in this document, we see an actual signature: *taklā* (for *sTag la*) in Devanāgarī. A decade later, in 1993, we see an even more advanced integration of Mustang into the national and global arena. In this document (plate 12), an agreement regarding the use of the community forest, there are only three thumbprints, all placed by elderly illiterate men (one of whom is the village blacksmith): the others are signatures in Devanāgarī and Tibetan, and now, to the lower right, Roman letters representing the name "Yungdrung".

Conclusion

Today, if two people in Baragaon make a loan contract or a lease agreement for a field, or if two villages resolve dispute over a pasture boundary, the document they draw up will be in Nepali. Until two or three decades ago this would not have been the case: all such documents would have been written in Tibetan. The disappearance of Tibetan as the written medium of secular communication and administration has been rapid and complete. This apparent suddenness conceals the fact that the shift was actually the culmination of a process of transition that had been taking place over the course of more than a century. Educated Tibetans who are familiar with the diplomatic conventions of the Ganden Phodrang government of the Dalai Lamas react with bafflement when confronted with documents from South Mustang. The confusing features include the arbitrariness of the spelling and the presence of terms in the local Tibetan dialect and the Tibeto-Burman Seke language, neither of which have standard written forms. These traits have been perennial features of local documents since the earliest times,

11 The more commonly attested form of this phrase is: *sakal bamojim nakal durusta cha* (Astrid Zotter, personal communication). The copies of two *lālamoharas* are endorsed with the similar phrase *ruju durusta* ("attested as correct"). See C. Zotter in this volume, Appendix, Documents 1 and 3 (https://doi.org/10.11588/diglit.32508; https://doi.org/10.11588/diglit.30313).

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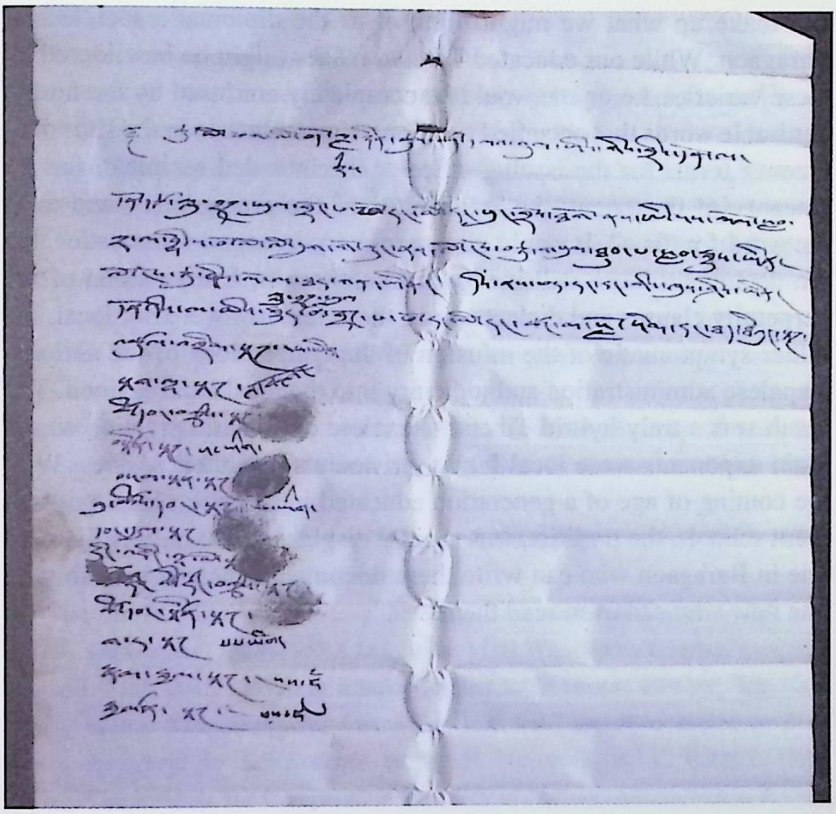

Plate 11: Agreement to open a government school in the village of Lubrak, Mustang (1983).

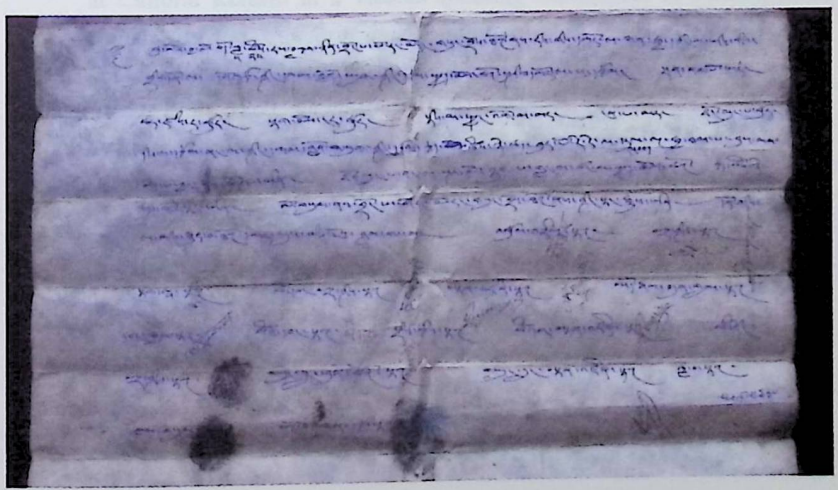

Plate 12: Agreement concerning forest resource use in the village of Lubrak, Mustang (1993).

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and make up what we might think of as the diplomatic sociolect of Baragaon. While our educated Tibetan reader might be bewildered by these varieties, he or she would be completely confused by the unrecognisable words that occupied positions of prominence in the later documents: terms for the issuing office or the intended recipient, for the category of document, the legal status of the protagonists, and even the word for "law". It would also seem very strange to the reader that the documents were validated with thumbprints. Unlike some of the perpetuity clauses and dialect words, these features were not local, but rather symptomatic of the infusion of the conventions of the national Nepalese administration and judiciary into the local legal lexicon. The result was a truly hybrid Tibetan-Nepalese diplomatic practice whose main exponents were local lamas, aristocrats and their scribes. With the coming of age of a generation educated in Nepali in local government schools, the tradition was rapidly displaced. Not only is there no one in Baragaon who can write these documents, there is probably no one now who can even read them.

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Waking History Up from the Chronological Nightmares: A Perspective from the Mediaeval Newari Historiography

Yogesh Raj

Flying Bullet of Time

It was the bright full moon of the autumn month of Kārtik about 1980 VS (1923 CE). The upper floors of the houses in the pre-electric Kathmandu were throwing out the flickering warm yellow light of the oil wicks.[1] In a house located in Bhimsensthan, a Brahmin in his sixties had just completed the *Tripurotsava*, a ritual of offering the 707 wicks' flame in memory of Śiva's victory over the demon Tripura. A little lower from the standing old Brahmin, an eight-year-old fatherless boy sat on a wooden plank. After the ritual, the Brahmin mumbled that on that very day, Jangabahadur had killed his uncle Chief Minister Mathvarsingh and hundreds of others to ascend to the seat of power. The Brahmin then recounted that, in 1942 VS (1885 CE), Jangabahadur's nephews had gunned down his two sons and a grandson. Many courtiers once loyal to the first Rana Prime Minister took refuge in the Lane (i.e. British Residency) or escaped to India. Since the Brahmin, Pandit Bhuvannath Pande, frequented the courtiers' households, his narrative was vivid and dynamic. The boy, the future historian Pandit Nayaraj Panta, listened attentively and derived a maxim: "the bullet, which

1 Versions of this paper were presented in several conferences. In particular, I have benefitted from the comments and suggestions made by the participants of the International Academy Conference on "Studying Documents in Premodern South Asia and Beyond: Problems and Perspectives", Heidelberg, Germany, 4–6 October 2015, and the Department of History Colloquium, Indira Gandhi National Open University, New Delhi, India, 7 April 2016.

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Jangabahadur fired at Mathvarsingh, flew back to hit Jangabahadur's own offspring in 40 years."[2] The flying bullet was Nayaraj's vision of time that connected the two bloody episodes in Nepal's Rana family rule. The vision is so commonplace today that the Rana rule is portrayed singularly as a period of mindless massacres and dark conspiracies.[3] The flying bullet is a modern metaphor for the temporal logic of history. Nayaraj was a modern, albeit arguably someone "unperturbed by the West" (M. Panta 2065 VS: 3).

The image of the flying bullet affords us a perspective on how the modern historiographers have unleashed temporal violence on the way the past has been conventionally represented and understood in many societies. To the moderns, earlier forms of knowledge were inadequate or even deficient. This epistemic violence against the older enquiries is implicit in most modern enterprises and often takes this normative form: the present ways of knowing must be superior to the past ways since knowledge accumulates, builds on previous knowledge, and improves all the time. The present-bias prompts the modern historiographers to view older historical texts as products of an inferior set of practices when compared to their own *doxa*.[4] Indeed, such devaluation marks existing typologies of historiography. These schemes consign historical texts from different periods or different traditions effectively to sub-historical labels such as "chronicles", "annals" and "diaries". Similar arrogance of the moderns, in general, is also evident in the depreciative attitude of the academic historians towards mediaeval Newari specimens.[5] There is a deeper issue than a quarrel over taxonomy here.

2 N. Panta 2069 VS: 42–49. The incident was previously published in Nayaraj's preface to N. Panta 2019 VS.

3 All nationalist historians, from Baburam Acharya to Chittaranjan Nepali, have unanimously propounded this view for understandable reasons. Several generations of popular readership have reproduced the view. For instance, see a review of the English translation of Baburam's book, *The Bloodstained Throne* (Acharya 2013): *The Record*. 2014. "Game of Thrones." 16 May. http://www.recordnepal.com/art-letter/game-of-thrones/ [accessed on 5 June 2017]. The illusion of the peaceful progress, before and after certain rupture, is widely prevalent in Nepal, as elsewhere. The increase in the number of both systemic and inadvertent human deaths in the post-Rana period points to the contrary. The idea that violence has been increasingly contained by human societies has become somewhat respectable by the publication of *Violence and Social Orders* (North/Wallis/Weingast 2009).

4 The modern bias towards the present is pervasive in all scientific enquiries. In economics, for instance, it is reflected on the ideas of depreciation and interests.

5 Additional labels have been employed for the mediaeval Newari histories. However, these labels apprehend the nature of the material and textual composition only partially. For instance, they have been called *thyāsaphū* (concertina

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The agreement about the relegated status of the mediaeval Newari histories among scholars on Nepal seems as complete as those that exist among the revisionist British historiographers about the specimens from the pre-16th century English historical texts. For instance, surveying mediaeval historiography, May McKisack underscored that the "chronicles" lacked "any glimmerings of historical imagination or any notion of historical criticism" (McKisack 1971: 233). Frank Fussner criticised the bourgeois chroniclers as "transitional figures, who drew upon the works of the great mediaeval chronicles without understanding the limitation of their own scissors-and-paste methods" (Fussner 1962: 230). An equally damning view was held by Fred Levy, who wrote,

> There was no conception of history writing as selective: a historian did not remake the past in his own image or in any other but instead reported the events of the past in the order in which they occurred. (Levy 2004: 168)

The revisionists in fact strove to supersede each other in condemning the art of mediaeval "chronicles". Thus, Arthur Fergusson argues that "innocently plagiaristic chronicles" were regressive moves for the development of historical thinking in Britain (Fergusson 1979: 7). Instead of stimulating historical thought, the chronicles may

> well have done more by their very popularity to stunt it by propagating a concept of history seriously limited in scope and by perpetuating the national mythology instead of providing an understanding of the past and its process of development. (ibid.: 10)

or "accordion" fold-out book) in view of their shape (Malla 1985: xii, G. Vajrācārya 2023 VS); *aitihāsik ghaṭanāvalī* ("a garland of historical events") in view of their entries (Raj 2056a ; G. Vajrācārya 2023 VS, 2025 VS: 109–114); *dhara:pau* (from *dharata* "a leaf of list") in view of their sequence (C. Vajrācārya 1105 NS); and, *aitihāsik ṭipoṭ* ("historical notes") in view of their episodic nature and appended dates (Raj 2056a VS). For the use of the term "chronicles", see Regmi 1966a and 1966b. I have termed these specimens variously as *aitihāsik ṭipoṭ* and *aitihāsik ghaṭanāvalī* (Raj 2056a VS, 2056a VS). It is telling that no attention has been paid so far to enquire into how these texts refer to themselves. For a preliminary exercise in this direction, see Raj 2012.

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As David Womersley (2005) has argued, these dismissive statements were born out of a characteristically modern teleology of historical technique. The teleological view that the 16th century originated the modern ideas and techniques is wrong not only because it is arrogant, but also because it falsely portrays a "revolution" and misrepresents the textual specimens. On the first count, the standard wisdom suggests that the century saw the advent of three crucial historical techniques: the sense of anachronism, the adoption of a critical attitude towards sources, and an interest in causation. On the second, the standard depiction is that the historiography became secularised as history was steadily emptied of religious ideologies, for the better. Womersley shows that, although such a narrative is coherent, it is unable to explain the prominence of religious views in the lives of the very historians to whom the revisionists attribute the secularisation of the discipline (see below). Furthermore, he calls for a mature analysis of the content to appreciate the historiography of the "chronicles".

Not enough attention, I am afraid, has been paid even to the key problems of textual form. For instance, a key question such as how the rules of evidence vary in the mediaeval specimens in comparison to the modern historical texts, and why, has remained unaddressed. This is highly unfortunate. There has been a significant loss in the epistemic diversity of historiography the world over, making the practitioners of the discipline thereby poorer in terms of the choices in the forms and techniques available to them.[6] The loss, it seems, has also occurred in the number of ways time could possibly be imagined to have influenced the course of events, or in a variety with which events spread over a period could be related.

Relating Chronology and History

Etymology suggests that the term chronology is about the logic of time. The logic of time operates as past events are related on the basis of specific indices, such as reference numerals, time adverbs and grammatical categories of time. In practice, the logic manifests itself as both a temporal ordering of events, and a definite marking of the temporal relations among them. The former is relatively straightforward.

6 I have demonstrated such a loss in case of the history writing landscape in post-1950 Nepal (Raj 2014).

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Episodes are first pegged on time, and then arranged in ascending or descending (vertical) order. Simultaneous events may demand a horizontal order. The latter demands a little imagination: events in the *ante-post* (before-after) relations may be bound by causality. Co-occurring events may have a common origin.

I will show below that early modern historiographers attempted universalising time, to relativise Europe's sense of its past, and its centrality in the world. But the same historiographers also inadvertently solidified the universal time line on which various civilizations, nations or societies are located. The global history of progress had teleology: all roads led to modern Europe. Recent writings, however, complicate the relationship between chronology and history. Historical time (in contrast to the idea of objective universal time as imagined in the natural sciences) reveals many dimensions relative to the scale of observation and unit of analysis. Sociologists tend to mark collective events without human agency as social time (Nowotny 1992; Cipriani 2013). Paul Ricoeur (1980) once proposed the notion of narrative time to solve the problem of the illusion of sequence in fictional texts. The narrative time in his view brings an uncritical temporality to the texts.[7] Philosophers and historians have held faith in the discontinuities laid over continuities over the *longue durée* (F. Braudel 1982; O.H. Braudel 2004). Gradually, ethnographers of various shades have sought to defy what they perceived as a linear model of time in historiography.[8] True to their post-colonial and post-modern origins, these studies have argued for organising global history in plural temporal orders (Hölscher 2013). In order to explain differing development in societies and their various statuses at the present, these societies are assumed to have different qualities and measures of time. In order to examine the millennia in a moment and vice-versa, a certain degree of mishmash of two or more chronological regimes ("diachromeshing") was sought. The purpose was to free cultures from the hegemony of homogenous and objective Time, which the modernists, like Hegel, proposed in their bid to write Universal History.

Nevertheless, visions of heterogeneous or plural times do not mean that chronology has become any less important for history. One might concede to the discontinuity between life (of individuals or societies)

7 For a fuller exposition, see Ricoeur1984–1988.

8 Lucian Febvre was the first to deconstruct the myth of historical continuity. The myth is hidden in what Louis Mink calls "the configurational comprehension of a story" (1987: 65).

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and historical stories (Carr 1986). But the temporal logic remains highly relevant for historical narrative. That is despite Ankersmit, who suggests such an irrelevance by saying, "all that is of real importance in historical writing begins only once we have left time and chronology behind us" (Ankersmit 2012: 39). Chronology continues to be at the core of both the production and reading of historical narratives. The significance of chronology is at best hidden in the sense of a configuring component for both writing and understanding history (Jansen 2015). Usually, it is made obvious. A typical university-level first course on history, for instance, states that

> Chronological thinking is at the heart of historical reasoning. Without a strong sense of chronology—of when events occurred and in what temporal order—it is impossible for students to examine relationships among those events or to explain historical causality. Chronology provides the mental scaffolding for organizing historical thought.[9]

For school-going children, it is argued that chronology contributes to their sense of identity and helps them create a context for understanding the present. Further,

> In order to grasp and consider the 'big questions' of history, children need to establish in their own minds a chronology of events to enable them to make connections between them and see the wider implications of their studies in history.[10]

Before considering the debate on significance of time in history as concluded, it is worthwhile to reiterate the fact that non-narrativist historiography has existed in many literary societies in South Asia (such as in Orissa and Maharashtra) and East Asia (such as in Burma) until recently, and in many European cultures (such as in Italy) until the early modern period. A discussion on the relationships between chronology and history should therefore begin at the issue of what I would call the problem of narration. This is the 'ascent' from the particular to the general or from a case to a narrative. Of specific interest

9 http://www.nchs.ucla.edu/history-standards/historical-thinking-standards/1.-chronological-thinking [accessed on 7 June 2015].

10 http://www.history.org.uk/resources/primary_resource_1743_2.html [accessed on 7 June 2015].

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is the way time, among other elements, figures in the emergence of narrative out of episodes.[11] Recent histories of medicine, for instance, draw our attention to the role of paper technology in the emergence of medical knowledge. Physical acts of rearranging and reordering of the case histories, through indexing and tabulation, have shaped medical epistemology (Hess/Mendelsohn 2010). Similarly, taxonomy, as a fundamental exercise of classifying types, has been seen as the first "epistemic virtue" of the 18th century in the development of modern scientific knowledge (Galison/Daston 2007).

The emergence of a narrative seems to consist of two intertwining movements. The first is the logical ordering of the cases. It is possible to imagine that episodes could be arranged in several ways, by topic, theme, place or agency. But it is the chronology that dominates in historical texts. The second movement in the development of historical narratives is explanation. Causal explanation, a favourite mode in political and economic histories until the 1980s, fell into disuse after the cultural turn. Most cultural historians, for example, agree with Carlo Ginzberg that humans have an innate "intuition for the incidental", and therefore a thick description is sufficient to an understanding of the past (Ginzberg 1999: ch. 2). Historians flirting with cultural anthropology or anthropologists navigating into cultural history consider the search for causality an outdated historical enterprise. Nevertheless, causality is making a comeback to history in the shape of non-determinate cultural factors for explaining differences in political economic change, or plausible political economic factors for explaining distinct cultural taste (Wong 2011).[12] The problem of narration has thus been solved in the narrativist historiography, an academically dominant method of history writing today, by overlaying two key constitutive elements in historical narratives: chronology and causal explanation. But societies, where these two elements are not dominant, seem to have circumvented the problem of narration by dealing directly with the problem of production of historical sense instead. Both chronology and causality do not serve in any fundamental way in their effort to make sense of the past.

11 The problem is at the core of any enterprise in assessing the state of historical knowledge (Rublack 2011).

12 For the former, Wong provides an example of the rural base of Chinese industrialisation, which is accounted for by the past cultural experience of markets in rural China. The dominant mix of the music genres available in a particular city strongly correlates with the specific political and economic structure, although the set of genres remains the same in the music shops across the globe.

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Chronology in the Chātas

In mediaeval Newari histories, called Chātas, temporal logic plays out in several ways.[13] As I have discussed elsewhere, the Newari histories typically list events in discontinuous episodes. Each episode, in general, has the following structure:

> [Year] [Month] [Lunar half (*pakṣa*)] [Lunar day (*tithi*)] ["On this day"] [Topic] [Verb-Past] {How} [Finite Aspect]

Here, elements within [ ] are mandatory, while those within { } are optional. For instance,

> [सम्वत् ६८४] [माघ] [कृष्ण] [दशमीकुन्हु], [तवदेवर] [प्रतिष्ठायाङादिन] { } [जुरो] ॥
> On the 10th day of the Dark Half in the month of Māgh in the year 684, Tavadevar (temple) was consecrated. (*Śāntī-svasti-saphula*, fol. 4b)

> [सं ७८३] श्री ३ बुंग न्हवनस ष्वप्वया निक्क मवोनस्य यलया व पनतिया व जुक्क निक्कपनि खानाव बुंग [न्हवन यात] [जुलो]।
> In the year 783, during the bathing of god Buṃga, the *nikva* people were not invited from Bhaktapur. The Buṃga was bathed by gathering the *nikva*s from Lalitpur and Panauti. (*Buṃgadevayā Vaṃśāvalī*, fol. 13/Shakya 2007: 35)

> [सं ७८९] [भाद्र] [कृष्ण] [चतुर्थी] [श्रीविश्वेश्वर काशीसन वरंजेब बातसाहान] [कचिंगर थङ दिन] [जुरो] ॥
> On the 4th day of Dark Half in the month of Bhādra in the year 789, Aurangazeb, the emperor of Delhi, created trouble in Kāśī's Viśveśvar (temple). (Rājvaṃśī 2020 VS: 3)

13 On the structure and context of production of the Chātas, see Raj 2012. It is interesting to note that these Newari specimens flourished from the 14th century onwards, almost contemporary with another historiographical innovation in Europe (see below).

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[सं ८०६] [श्रावण] [कृष्ण], [एकादशी], बुधबार, [थ्वकुन्हु] [स्वर्ग्गस, वाद्य थाया थे] [घुनुनु ङाओ] ॥
On Wednesday, the 11th day of Dark Half in the month of Śrāvaṇa in the year 806, the sky thundered as if a drum was played. (Regmi 1966a: Appendix III, p. 26)

An ideal type of the Chāta entry consists of the bare particulars about when, what and how something happened. Other entries elaborate particular episodes. For instance,

सं, ८०२ भाद्रपद शुक्ल ॥ एकादशी शनैश्चरबारकुन्हु, एन्दकिरि स्वाङा ॥ एन्दकिरि लृया गाक तिराककुन्हुं, बन्हिराजकुलस, झरेचाया क्वाथ मि चोय धक, झरेचा ल्वातका बेलस, क्वाथ मि चोय मरातका झरेचा खत दुंङाव, खतस चोंको ल्हाक जुरो, सि जुको छम्हं मसीक जुरो ॥
On Saturday, the 11th day of the Bright Half in the month of Bhādrapada in the year 802, a peg for Indra was erected. In the evening of the full moon of the month of Indra, before the burning of the pyre of the dolls in the royal palace, the structure fell down on several people. No one died though. (*Thyāsapu A*/ Regmi 1966a: Appendix III, p. 20)

In some instances, the reference number for time is appended at the end.

राजाया निगबलि खिचान, नयाव, तलखाचोस, बो जुको थेलकं ता था, थ्वकुन्हुन, पेन्हुकुन्हु, समस्तं, ङ्हथुया थें याङा, पाल जोतिराया, याकम्हं, जोतिराजं ॥ श्रीगंगाराणित्रिभयत्वं ॥ सम्वत् ६९९ माघ शुदि ५ ॥
The sacrificial *niga* portion for the (deceased) King was eaten by a dog. The remainder was kept on the upper doorsill. The rituals on the four days after this day were conducted as per the custom. Jotirā(j) was on the duty, (so) Jotirāj was the conductor. (In the reign of) three-Rulers including Gaṃgārānī. On the 5th day of the Bright Half in the month of Māgha in the year 699. (*Khopajujupini Vaṃśāvalī*, fols. 5–6)

Crucially, the episodic entries do not exhibit any marker of relationship among them. It thus appears that each event is seen as fundamentally pegged down at a precise social time. In other words, the historical view in the Chātas is temporally discrete: an event appears as a bundle of the bare particulars hung on the nail of time. When I say that chronology is not the ordering principle of the Newari Chātas, I do not mean that the time dimension is absent in the event structure. As

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the examples above show, it is steadfast. However, there is no effort on the part of mediaeval Newar historians to underscore temporal relations among the events. The resolute desire to tag every case firmly to its time is seen in instances where the scribe reproduces a planetary position chart alongside the event in question, or leaves the temporal marking space empty.[14]

Let me illustrate: the first basic movement towards a chronological ordering, i.e., the indications of *ante-post* or simultaneity relations are very feeble in the Chātas. I do not deny that in many specimens, such as in the *Gopālarājavaṃśāvalī*, the cases are arranged in the ascending order of the time reference numbers for the worldly events (in contrast to the mythical ones). Many modern editors of these texts, such as D. R. Regmi, Śankarmān Rājvaṃśī and Aiśvaryadhar Śarmā, have in fact attempted to order these Chāta entries by the years, reigning Kings, or by topic (viz. *agnimaṭh*).[15] There are enough chronological inconsistencies in the Chātas to begin with. The *Gopālarājavaṃśāvalī* text, for instance, breaks down at three places: twice on account of chronology, and once on account of language. The discontinuity led Cecil Bendall to posit three "books", and Kamal P. Malla (1985) to assume a historical rupture during the reign of King Śivadeva. It is worth noting that this famous Chāta text was written in a single hand.

Temporal discontinuities found in many Chāta specimens cannot be explained away by attributing them to a scribal whim, scarcity of paper, exigency of the event, or the open-ended nature of the record keeping. For instance, in the Copenhagen manuscript, episodes dated 684 and 687 are followed by the ones dated 662 and 757.[16] Another Chāta, brought to scholarly notice by Maheśrāj Panta (2069 VS) recently, has an event dated 854 reported, then followed by another dated 669 (plate 1). It can hardly be surmised that the Chāta historians allowed carelessness while *deriving* cases, as they might be, from

14 An example for the former is Regmi 1966a: *Thyasapu H* (see his footnote, p. 111). Another example for the same is the Chāta published by G. Vajrācārya (2023 VS). The planet charts are on pp. 24, 27, and 35. For the empty time markers, see Regmi 1966a: *Thyasapu C*, p. 55.

15 Compare Regmi and Panta's editions for *Thyasapu A*; see also Regmi 1966a: *Thyasapu A*, M. Panta 2066a VS.

16 The Devanagari transliteration is as follows:
सम्वत् ६८४ माघ कृष्ण दशमीकुन्हु, तवदेवर प्रतिष्ठा याङा दिन जुरो॥ ॥ संम्व
त् ६८७ माघ शुक्ल, द्वादशि, बुधबार, थ्वकुन्हु श्री ३ तम्बलिगदेव, सुवण्णदिवरस, पूर्ण्णा, ध्वजा छाया दि
न जुरो॥ श्री २ महेन्द्रमल्लदेवन दयका जुरो॥ रामायन प्याखन दयक, तवभिमसेन बोय जुरो ॥
सम्वत् ६६२ चैत्र शुक्ल पूर्ण्णीस घटि ४ पंदु घटि २ तृतिया घटि ५४ पुन्हिस पेघरि दखुनु देओ क्का
हा बिक्यातका ॥ ॥ सम्वत् ७५७ ज्येष्ठ... (*Śāntī-svasti-saphula*, fol. 4b)

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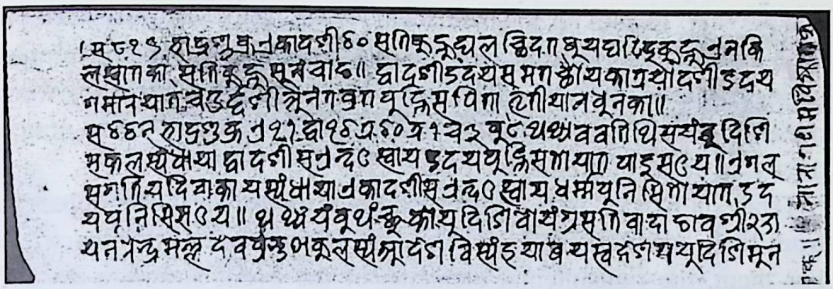

Plate 1: Page of a Chāta text, microfilmed as NGMPP A 1221/2, first published by M. Panta (2069 VS: 160). It reads:

स ८५४ भाद्र शुक्र एकादशी ६० सतिकुह्नु घलछि दत, बुय घटि दुकुह्नु एनकि
ल स्वातका, सतिकुह्नु सुनं चोङ॥ द्वादशी उदय समत छोयका त्रयोदशी उदय
श मारयात चतुर्दशी अनंतव्रत बुह्रिस पिता, तृतीया न धुनका ॥
स ६६९ भाद्रशुक्र, ए ५१ द्वा ५६ त्र ६० त्र १ च ३ पु ८ थथ्य वव तिथिस यंवु दिशि
सकल्यस्यं धाया द्वादशीस एन्दलृ स्वाय उदय पुह्रिस तो यात पादुस लृय ॥

Plate 2: Extracts from a Chāta text, with entries marked with *2* (top) and *1* (bottom) at the end to indicate a reverse order, first published by M. Panta (2066b VS: 313–314).

some 'originals'.[17] In at least one instance, cases were marked for the reader to revert their wrong order. In the Chāta text made popular by Samśodhan-Maṇḍal, published by Regmi and now with the facsimile by Maheśrāj Panta, the writer marks the entries with numerals *2* and *1* to suggest that they should be read in a reverse order (M. Panta 2066a VS: 203 n. 26; plate 2). But in this specimen, too, cases are arranged without much regard for chronology. For instance, an incident dated 853 is located between two unrelated incidents dated 800 Bhādra and

17 I am using the verb "derive" for a reason. While there are indications that production of the Chātas involved a fair degree of copying, the copying is often not exact and done rather liberally. Compare the variants of the so-called *Nepālika-bhūpavaṃśāvalī* (Bajracharya/Michaels/Gutschow 2016) texts.

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800 Āśvin.[18] To sum up, the mediaeval Newar historians were keen on time-indexing the cases, but they did so without being bound by temporal logic. Indeed, they did not choose to weave the episodes. They were not after narratives or stories. In other words, they chose not to notice the flying bullet of time in the past.

The non-narrativist leaning of the Chāta historians is also apparent from their complete disregard for explanation, causal or otherwise. For them, the fundamental elements of the event structure do not include the question "Why?" While attempts to explain the reasonableness of the past remain at the heart of the history writing enterprise for both modern and mediaeval narrativists, such efforts seem to be conspicuously absent among the Chāta historians. The absence of reasoning is so perfect that one could posit non-explanation as a common professional ethic of these historians. From this stance, a Chāta might read like an avalanche of discrete events. Readers are left to endure the events without being offered any help for making sense of them, let alone deriving useful lessons from them (plate 3). To be sure, there are generally no overt lexical markers of temporal relations among the events, such as "therefore", "hence", "thus", and "because". A universal disregard for chronological order in the Chātas also seems designed to challenge the readers for explanation. The Chātas are historical puzzles for readers to solve and explain. But while temporal sequence of the events is de-emphasized, co-occurrence is frequently noted in these histories, particularly when the events seem unlikely to be connected. For instance, the incident of a thunderbolt striking the Cāṃgunārāyaṇ temple, blood coming out in Kileśvara (Mahādeva) in the morning, a copper vessel having been found open in Gā:bahāl, and the inability to open an entrance door are all mentioned in a single episode.

> सम्वत् ६८५ जेष्ठ कृष्ण द्वादशी, अश्विनी, शनिश्चरबार कुह्नु, चंगुनारायणसके, मलं जुक सिजल, प्यलोड, चालाव, गालबाहाल तों, ॥ थ्वकुह्नु, कीलेश्वरस, हि लुव, प्रातस ॥ थ्वनलि, नियषुह्नुकुह्नु, प्रथमाषाढ कृष्ण संति बुधबारकुह्नु ताडखा, चालके, मजिसे चोग्व, प्रातस ॥ थ्वन ह्ङाह्नु, कुह्नु, एकादशी आदित्यबारकुह्नु, शान्तिहोम, दान, पूजाआदिन, याङादिन ॥

18 The Devanagari transliteration of the relevant portion is as follows:
सं ८०० भाद्रपद शुक्ल॥ त्रयोदशी...
स ८५३ माघ कृ ३ एलस सरन ओयाव चोङह्य पिलुभा मछिङाव पशुपति सरण ओङ
सम्वत् ८०० आश्विन, शुक्ल ॥ प्रतिपदा, सोमबार... (M. Panta 2066b VS: 308–309).

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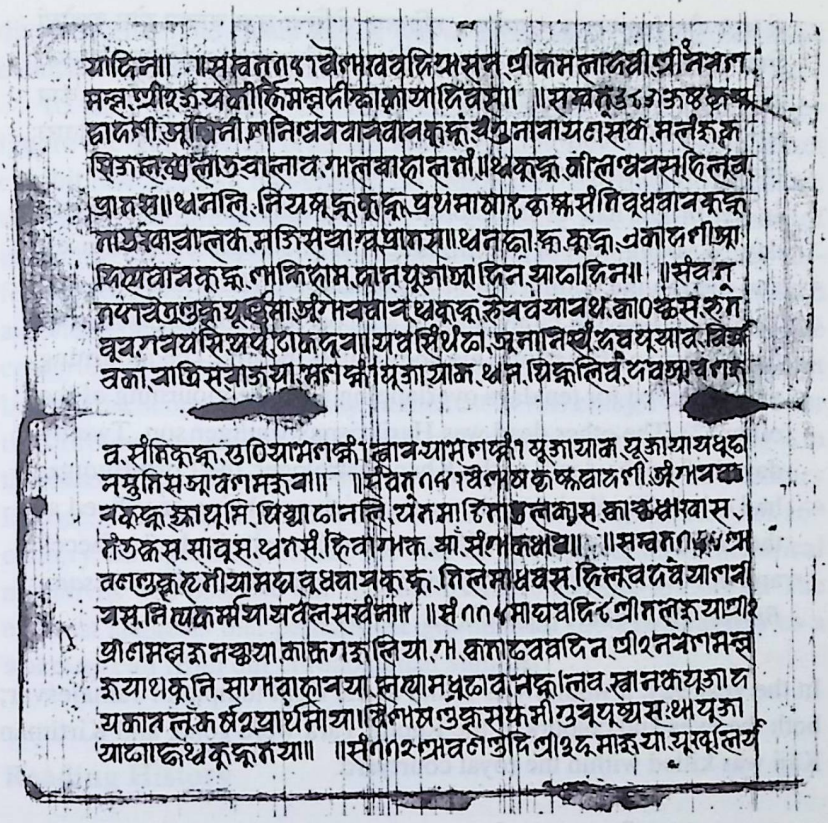

Plate 3: An avalanche of episodes. Page of a Chāta text kept at the National Archives, Kathmandu, microfilmed as NGMPP A 301/12. ©National Archives, Govt. of Nepal.

> On Saturday, the Aśvinī constellation, on the 12th day in the Dark half of the month Jeṣṭha in the year 685, a thunderbolt fell on the temple of Cāṃgunārāyaṇ and the copper vessel was found open in the monastery Gālabahāl. On this day, the Lord Kileśvar was found bleeding in the morning. On the 26th day after this, on Wednesday, in the Dark half of the month First Āṣāḍha, the padlock could not be opened on the following morning. On the fifth day thereafter, on Sunday, on the 11th day, pacifying *homa* and *dāna* rituals were conducted. (*Aitihāsik Ghaṭanāvalī*, fol. 7)

In another example, the suicide of an astrologer from Hauga: (Lalitpur), the death of the younger son of someone who cremated the astrologer, tears coming out of Bumga, the death of a minister, and the sacrifice of a she-goat are hinted at as being connected.

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सं ७९३ पौष शुक्ल थ्वकुह्व, सखमोदस, हतिग्लया जोसिचा छह्म चान्हस म्येस दुब्वोस्यं सिक जुरो ॥ मिन पेतनङ लिथे होस यङाव हरिकृष्ण जोसि जयकृष्ण जोसि नेह्म बाकायन ओक जुरो ॥ जिन्हु दुःखन चोङ छपरात तव जुरो ॥ थ्व हरिकृष्ण जोसिया मिलह्म काय जुरो सिक ॥ थ्व खपोया अभाग जुयि नीयह्व न्हव बूंगदेव खोव जुरो॥ थ्व भोतया चौतारा सियकुह्व नालाया भगवतीस्के चोरसं स्याकं हि मम्ह्युक खि म्हुक जुरो ॥

In the bright half of the month Pauṣa in the year 793. On this day,[19] a young man of the surname Jośi of Hatigla burnt himself and died in the confluence of Saṃkhamoda. Harikṛṣṇa Jośi and Jayakṛṣṇa Jośi, the father and the son, performed the last rites of the dead man after taking his body out of the fire. The mourning was observed for ten days overlapping with the mourning of the other (?). The other dead was Harikriṣṇa's younger son. Twenty days before the death of the Khapo astrologer, the Lord Buṃga: had cried. (Similarly), a she-goat, which was being sacrificed at the Goddess Bhagvati in Nālā, exuded from its body the faeces and not the blood on the day the Bhota minister died. (*Thyasapu Bii*/Regmi 1966a: Appendix III, p. 86)

In the year 921, a wound was found at the right temple of Jamaleśvar; both the eyes and colours of the Rupini Tārā were gone; and Kirtimān Kāji was killed within the royal courtyard.

शुभ सम्वत् ९२१ म्ति भाद्रव कृर्ष्ण ४ न्हुस जमरेश्वल देओलया जओ न्हकुस घाल जुयाओ चोङ देपास चोडम्ह रूपीनीतालाया दिष्टि निग्वर मदु, रंग छति मदयाओ चोङ, थ्व उपद्र भाद्रव कृर्ष्ण ६ न्हुस कर्तिमान काजि रायकु दुने पाराओ स्याक कुरथन री दामद्र पान्या काजि भारा दक्कदाक जुक सखुँपनि स्वपनि पेन्हु घिरे याका तल, थ्वया शान्ति मयाक जुर शुभ ॥

On the 4th day of the Dark half in the month of Bhādra in the auspicious year 921, a wound was found at the right temple of the Lord Jamareśvar. The Rumini (?) Tara on its left had lost both her eyes and she was discoloured. That was the disaster. On the 6th day of the Dark half in the month of Bhādra, the minister Kartiman was slaughtered in the royal palace. Then the minister Damodar Pande and all others were prevented from coming out of the palace as if they were thieves (?). There was no proprietary ritual for this event. (Shakya 1125 NS: 60)

Examples could be multiplied, but it is clear that the mediaeval Newar historians unmistakably underscore the link between the natural and

19 The date is absent in the original.

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divine events. The Chāta leaves you to speculate as to whether these events are connected causally.

To sum, the Chātas circumvent the problem of narration. They ignore the first step of ordering the cases logically. They also do not exhibit the second movement of attempting explanation. Instead, they defer narrativisation forever. By escaping from the lullabies of chronology, they seem to offer historical understanding in a way different from that presented by the narrative history. How distinct such an understanding is, and to what purpose it was reproduced for five centuries in Newar society is a separate enquiry worth making, but beyond the scope of this essay. In the rest of this essay, I will argue for the difference of mediaeval Newari historiography by contrasting it to the chronology-driven rise of the historical narratives in 16th century Europe. This is an argument by absence. By retelling my story of 16th century Europe, I claim that the rise of specific forms of historical narratives was possible due to circumstances specific to Europe. The contrast suggests that perhaps the grammar of the Chātas offers us a wake-up call from our chronological slumber.

Reading History

The story of the narrative movements in Europe, as Anthony Grafton (2007) has shown, can be engagingly told as the rise and the death of a genre of the *Ars Historica*, or the Art of History. I will focus on how these shifts were perceived by two key intellectuals in the 16th century transition between the mediaeval to the modern age in Europe, Francois Baudouin (1520–1573) and Jean Bodin (1530–1596).[20] In their attempts to develop a historical approach to universal law, both French jurists offered creative insights into how historical texts were read, and how they should be composed. Baudouin and Bodin freely borrowed ideas on the consumption and production of historical texts from their humanist predecessors, but incorporated many contemporary insights and were considered by their successors in later centuries as the authorities in the *Ars Historica* tradition.

Being jurists and French perhaps, their common interest was to historicize the canon of Roman law. Bodin, for instance, provided a

20 For the life and works of Francois Baudouin, also called Balduinus, see Kelley 1964 and 1970: 116–150. For Jean Bodin's life and philosophy of history, see Turchetti 2015.

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historical critique of the study of the Roman law, arguing the absurdity of any attempt to establish principles of universal jurisprudence from the Roman decrees, which were altered in the course of time (Reynolds 1945: 2). As a preliminary step to that end, they sought to universalize history. True to the expanding frontiers of their 16th century world, their globalising aim was realised, in part, by bringing all knowledge regarding human, natural and divine affairs into the fold of history, as Bodin demonstrated in his books, the *Methodus* (1566) and the *Six Books on Commonwealth* (1576).[21] Such ambition also reflected their view of history, in which infinitude of great empires rose and fell, in contrast to the traditionalists' view in which only Four Empires fitted, and the centrality of the German nation was assumed.

Bodin saw three kinds of historical writings around him. The first class of writings spelled out discoveries and collected materials. This was travel writing. The second class, the chronicles, arranged things "in correct order" and "in polished form". The third by the "grammarians" attempted "eliminating errors in old books" (Reynolds 1945: 2). In the *Methodus*, Bodin wanted to report the findings of his assessment of existing histories both *artistically* and *logically*, and to *compress* the scattered and disjointed materials found (my emphasis). Bodin saw his task as opposed to that of the grammarians, who "gently" cleaned "the stains and spots from the old records", and had "with a steel pen so heavily glossed all books with worthless and, indeed, misleading notes that almost no image of the antiquity remains" (*Methodus*/Reynolds 1945: 8).

Like all the early moderns, Bodin and Baudouin had chequered relationships with Christianity. Baudouin was expelled from his birth town on the charge of heresy for his Calvinist leanings. He left the colours later. Bodin's fashionable brand of humanism was discordant with his rabid demonology. He believed that witches could physically remove the genitals of their male victims. Nevertheless, both artists of history, Baudouin more than Bodin, made the secular aspect of history more eminent than the divine dimension. For instance, the ancients saw the past as a text inscribed by God's hand, and the past, when rightly interpreted, was a dynamic hieroglyph of the divine purpose. In contrast, Bodin thought that time revealed no obvious signs of the divine hand at work. Hence, "the cult of God, religion, and prophecies grew

21 For Jean Bodin's *Methodus ad facilem historiarum congnitione* (1566), see Reynolds 1945. For Bodin's *Les Six Livres de la République* (1576), see Knolls 1606.

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obsolete in the passing of centuries" (*Methodus*/Reynolds 1945: 14). History showed second-order rules, numerological and astrological, and endless change. Bodin firmly believed in a universal law that the world underwent a cycle in 496 years. His image of endless human frailty affected many of his readers. Gabriel Harvey, a *discourser* (a history teacher), underscored the idea of human mortality in his copy of Bodin's book (Grafton 2007: 177–178).

Why read history then? David Chrystraeus, a contemporary jurist, strove to cull *gnomai*, sententious maxims, from the "standards of actions" found in the histories of Thucydides. Similarly, Bodin wanted to gather "governmental form of states" from history (*Methodus*/ Reynolds 1945: 8), that is, the "universal principle of law" (*Methodus*/ Reynolds 1945: 2). Baudouin was more resolved. He was interested in historical lessons for governing worldly affairs. "Historical hypothesis," for him, "should yield a political thesis," i.e. a time-tested technique of governance (cited in Grafton 2007: 64). Taking their cue from many Renaissance humanists, both Baudouin and Bodin compiled records of human affairs, for it was where, in Bodin's words, "the best part of universal law" was hidden (*Methodus*/Reynolds 1945: 8).

The historical narrative of the human affairs comes about only when one establishes order and manner in historical events, i.e. their time sequence and their logical correlation. The former made chronology the thread with which one wove the events. The latter demanded critical appraisal of both historians' interests and plausibility of causes they attributed to the events. The historical understanding emerged when one read texts in a particular manner. Simply put, Bodin's prescription is as follows:

1. Read from brief general accounts to detailed narratives (universals to particulars), from stories of earliest times to recent centuries (chronological scheme), and while reading take aid of biographies, cosmography and geography (contextualize);
2. Appraise the reading materials critically. Do not believe all or discredit everything. Relate the background and training of the historian to his choice of topic. Make use of the official records to juxtapose the version (source criticism);
3. Make notes during such voluminous reading and arrange similar instances to aid the memory. Classify the entries (notes) under headings such as Forms of Control, Self-discipline, Familial discipline, and Civic discipline (thematic ordering);

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4. Refute the ancient ideas of universe (the theory of Four Empires), the Golden Age (the theory of decadence) and the independent origin of races (the theory of centrality of the German nation); and
5. Indicate the temporal order in the texts. Clarify the obscure and intricate sequence of chronologies. (Reynolds 1945: 9, 14)

Both jurists strongly emphasised contextual readings. For instance, Baudouin wrote, "circumstances are to history what modes are to chant. For modes are like rules that give order and direction to harmony" (cited in Grafton 2007: 76). The compilation of the chorus of the dead may only be deciphered, in other words, by noting and making sense of their times. Similarly, Bodin argued for considering "sayings, deeds and plans in relation to the account of days long past" (Knowles 1945: 9). Instead of discussing "oratorically the exordium, the narrative, and the ornaments of words and gestures" as the rhetoric model of history reading did, Bodin called for a useful reading. In his view, reading history should enable us to interpret the present readily and to infer the future. It is thus clear that the historiography of both Baudouin and Bodin had chronology as a key to understanding history.

The early modern artists of history thus considered chronology the enabler for historical vision. Hence, like all writers of *Ars Historica*, Baudouin insisted that history had two eyes: chronology and geography (Grafton 2007: 32). The ancients too had realised its significance. But Giovanni Giovanno Pontano, who wove histories "out of older chronicles", discussed at great length the problem of narrating "simultaneous events without confusing the reader" (Grafton 2007: 21). Pontano's dilemma indicated that the 16th century historians faced the problems of narration, chronology and explanation in writing history more urgently than ever.

Production of History

Baudouin, and other aspiring artists of history in the 16th century, also collected old legal texts. But they viewed history as a compilation or as a "translation" of histories in the widest possible sense of the word. A history is, after all, a derivative text: a product of inter- or intra-textual derivation and inter- or intra-lingual translation (Fisher 2004: 4–8). Clearly, Baudouin faced problems of both arranging and interpreting them. His exchanges with the practitioners of ecclesiastical

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history made him attentive to textual criticism, to a wide variety of topics (more than battle, politics, and the church, but also ceremonies, discipline, order and governance of the Church), to use evidence not only to establish the order of events, but also to recreate past social and cultural conditions. The ecclesiastical historians received from the jurist, in return, the art of discriminating primary from secondary sources. From the antiquarians, Baudouin added a new attentiveness to the manuscripts, and objects in order to examine their authenticity and exactness. He combined the historical texts with the "things that talk". In order to write a *Historia integra*, he wondered

> Why confine myself to books and parchments? Everywhere ancient statues and paintings, and inscriptions carved on stone slabs and coins, and woven in tapestries and coverings, provide us with historical materials of every kind. (Grafton 2007: 95)

Put differently, Baudouin arrived at the door of modern historiography by being aware of the limits of the testimonies of past authorities, and by arguing that history was a "reconstruction" that demanded every possible source of evidence, textual as well as material. Our modern historiographers, Baudouin and Bodin, also expected a mastery of a large number of disciplines, unlike Francesco Robortello (1516–1567) of a previous generation, who considered history a branch of rhetoric (Bolzoni 2001: 23–29). Although the stress on the utilisation of diverse sources was not absent even in the 15th century, as Angelo Decembrio's writings in the 1440s showed, the vigour with which Baudouin laid such stress was new (plate 4).[22]

Consequently, history became an exercise in inter-textual exegesis. Inter-textuality became a prominent feature in what Baudouin made of the compilation. Note-making was only the first step. From a juridical perspective, such notes became significant only when they were accompanied by explicit citation. The notes became rich when contradictory or equally plausible evidence is accorded the status of parallel texts, as footnotes. Thus, to contrast, Leonardo Bruni (1370–1444), a

22 Decembrio (1399–1477) depicted the reading practices of historical texts in the princely court of Ferrara in the 1440s (Grafton 2007: 50–53). The portrayal shows that the study of history meant the reading of the material texts, both "austere and luxurious", of great ancient writers *and* subjecting them to historical and rhetorical criticism in order to differentiate the plausible from the implausible (see Ianziti 2016).

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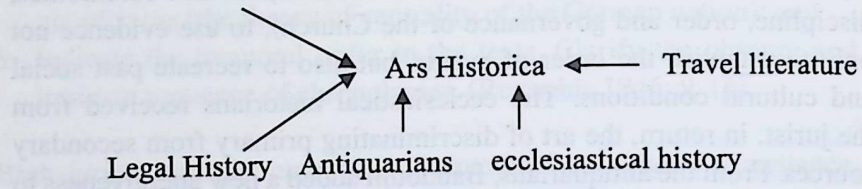

Plate 4: The Development of Baudouin's Art of History.

15th century Renaissance humanist, took a single source to write the history of Italy—the chronicles by the Villani family—except for controversial questions such as the origins of Florence.[23] Baudouin was, and sought from the artists of history, more cosmopolitanism in using the sources.

As Baudouin compiled the texts, he also began seeing the temporal layers. He made notes to highlight the specific context in which the texts had been written and promulgated, in order to avoid, in his own words, "the humiliating errors of chronology and interpretation" (cited in Grafton 2007: 69). Chronology in Baudouin's historiography serves, as in modern historiography, to locate various societies in the world (including the parts of the world that were being brought to the notice of the European intellectuals through burgeoning writings on long-distance voyages) along a global historical line. Thus, comparison between "modern Indian" and the "ancient and modern European" ways of passing on information became a justifiable enterprise. By undertaking such a comparative exercise, Baudouin pointed at the oral tradition of the Barbarians as being, or possibly being, the source of history for Europeans or the Turks. Orality, in this modern scheme of things, preceded literacy. The temporal logic did not, however, imply a straightforward supremacy or domination of Europe over other parts of the world. It was meant to locate Baudouin's own society at the most progressive point in the scheme. He brought the Romans, whom many Renaissance humanists and contemporary traditionalists thought of as divine, down to being as primitive as the "modern Americans".

A similar teleology informed Bodin's view of history, which was not a story of decadence, a slow funeral, or the march from light to darkness, but, if anything, the reverse (Grafton 2007: 169–170). Bodin reversed the ancient teleology, for like all early moderns, he was bewitched by the

23 See also, Ianziti 2012.

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wonders of technology (the gunpowder, compass, and cartography) and felt that the modern age was far superior to mediaeval or ancient times.

Waking up from the Chronological Nightmares

Chronology, or the logic of time, is therefore at the core of the enterprise of writing and reading history in early modern Europe. The *Chronicle* by Eusebius of Caesarea, composed around the fourth century, continued to be read, annotated and updated throughout the next millennium. The Renaissance humanists embraced the Eusebian model of chronology in which the logic of time, as we have seen, was also a statement of Time being one of the fundamental aspects (the other being the logic of space as expressed in geography) of universal history. Events of all sorts, be they the rise and fall of empires or changes in the legal codes, were first conceived of as being located on the linear axis of time, whose direction was then found by applying specific rules to assess the events. Henricus Glareanus (1488–1563), for instance, thought that chronology reveals the order in the past. To use his metaphor, chronology is like the sun, without which the student of history has no way to orient herself (Grafton/Leu 2014).

The early modern artists of history carried the ancient tradition of chronography further, as, for instance, propounded in Livy's works, by moving beyond synchronisms, and beyond refining the tables, and well into unravelling the universal laws. Galeanus himself had used chronology to tie the events related to Roman history and not to history since the creation. The intensive attention made it abundantly clear that Livy's chronology was uncertain and problematic. The early modern artists of history thus took chronology as a central device to pursue critical readings of the sources, and to uncover the order in the past (Grafton/Leu 2014: 42–45). For Baudouin, the study of history yielded causality, with which one could comprehend the universal principles of governance. For Bodin, the study helped recover the reasons for a specific manifestation of the "genius" of a people. The temporal logic also informed the teleology of our early modern interlocutors. Baudouin synchronised the states of the ancient Romans with the modern Americans and placed orality and literacy on different temporal planes. Bodin believed in the progressive march of universal history.

Mediaeval Newari historiography did not accord chronology such a key role for understanding and producing historical texts. Although

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every episode is pegged to a specific time, the information on that time appears only as one more bare particular (along with what and how) of an event, and not as an explicit marker of the temporal relations.[24] With a very weak ordering principle and near lack of explanation, causal or otherwise, the Chātas present us a unique opportunity of arriving at historical understanding without being accompanied by the usual lullabies of chronology. Non-narrative forms of history, like the Chātas, point us to a path of historiography not taken by narrativist historiographies. The narration became dominant in Europe as the mediaeval age paved the way for the modern period. The narrative dominance is an account of specific change in the relationship between Europe's opening up to the world and the forms of knowledge, as my stories of Francois Baudouin and Jean Bodin showed.

It may be speculated that the Newars' reason for writing histories free of chronological nightmares lies in the distinct value they attached to the past. The mediaeval Newar historians sought to shape their miserable present by reproducing the past ideals in a way not comprehensible to modern historians, whose investigation is often solely motivated by a desire to destroy the past by chronologising the present injustice. The Chāta historians and their readers perhaps see the cases as exemplars with which they engage analogically. The cases serve as the standards with which they strive to reproduce the past. The Chāta writers and readers in mediaeval Nepal were not unique in comprehending the use of history. It was common for ancient and mediaeval historians in Europe to believe in the ethical imperative for studying history. Even humanist chronologers like Glareanus said that one studied the past in order to find good examples to follow and bad examples to avoid (Grafton/Leu 2014: 9). However, the early modern artists of history soon started to have the nightmares of chronology, as they laboriously tired themselves in searching the order and relations in what essentially were fragments of deposited memory. In this sense, the Chātas and other mediaeval forms of history can help historians to wake up from the chronological nightmares, begin afresh by rediscovering the ethical and pragmatic programme in writing their histories, but not pass through the lullabies of the narrative. I am afraid these are, however, mere speculations and a fuller treatment of the purpose and effect of the Chātas on the mediaeval Newars is still due.

24 For the development of a new typology of historiography, by paying attention to the structure of the Chāta and other texts from South Asia, see Raj 2012.

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Abbreviations

NGMPP	*Nepal-German Manuscript Preservation Project*
NS	Nepal Samvat
VS	Vikram Samvat

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The Collective Sponsorship of the Renovations of the Svayambhūcaitya in the Later Malla Era, and Its Documentation in Historical Records

Alexander von Rospatt

Introduction: *Ghaṭanāvalīs* as a Particular Form of Historiography

Unlike most other regions of South Asia, Nepal has preserved a rich archive of historical sources that not only informs about the political vicissitudes of kings and kingdoms as well as the exploits of courtly elites, but which also sheds light on the organization and administration of society, the application of law and order, the practices of religious traditions on the ground, economic conditions, material culture, and so on. These sources owe their survival partly to the clement climate that allows palm leaves and paper to survive unharmed for centuries, as well as to the peripheral location of Nepal, which has shielded it from many of the ruptures and upheavals experienced in India proper, including those going along with the hegemony of British colonialism and the installation of Sultanate kingdoms. While these Nepalese sources include standard historiographical sources, such as chronicles, inscriptions, mythological histories and a vast array of legal documents whose systematic study is only beginning now, there are also less well known historiographical genres that have been largely neglected. This includes the so-called *ghaṭanāvalīs*, that is, diary-like series (*āvalī*) of records registering ritual events and other incidents (*ghaṭana*).[1] These are not courtly or commissioned texts written in an elite idiom, i.e.,

1 *Ghaṭanāvalī* is a Sanskrit term that these vernacular texts do not employ self-consciously to refer to themselves. Since such works are typically written down in folding books (New. *thyāsaphū*) with concertina-style folds in the manner of a harmonium, they are instead often simply known as *thyāsaphū*. An alternate designation is *chāta* (cp. Yogesh Raj's contribution to this volume).

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Sanskrit, and their subject matter is not the succession and acts of kings, as is typically the case in historiography in the Himalayan region of the subcontinent owing to the influence of the rich historiographical tradition of Kashmir, of which Kalhaṇa's *Rājataraṅginī* is only the most prominent example. Rather, the *ghaṭanāvalīs* are notes kept anonymously by private individuals, written in an often idiosyncratic form of the vernacular. In the main these individuals are priests recording events they regard as noteworthy, often because they participated in them, or were involved or had a stake in them otherwise. Rather than kings and other courtly actors, the principal agents of these texts are the priests and their associates, and the main subject matter is the rituals, and ultimately the deities towards whom they are directed. The often unrelated events are recorded in chronological order as they happen. They may be interrupted by drawings, figures to keep accounts, and other unrelated jottings. Rather than being crafted works, *ghaṭanāvalīs* are then open collections of notes in the manner of a diary. However, *ghaṭanāvalīs* are often more circumscribed than that, and may focus upon particular shrines or cults in a more structured and organized manner (for which they may draw upon simpler *ghaṭanāvalīs* and the raw data found there). Examples are the *Sako Chronicle* that centers on the Vajrayoginī temple of Sankhu (New. Sako), or a still unpublished chronicle dedicated to Buṅgadyaḥ, which is reported to record particular events in the course of the annual and twelve-yearly chariot festival (*yātrā*) of this deity. *Ghaṭanāvalīs* often include inauspicious incidents necessitating pacification (*śānti*) rituals. A particular focus is upon damage brought about by storms and lightning, or by military pillage, or simply by the passage of time, and the ensuing restoration efforts, which may extend to the complete rebuilding of the affected structure.

It is obvious that these texts are of great historical interest. They offer an entirely different perspective from courtly historiography, and with their emphasis on cults and rituals they provide invaluable tangential information on the religious and social history of Nepal. For the authors of these texts, recording past practice was not just of historiographic interest but could also serve to record precedent relevant for the future. This is notably the case with the particular *ghaṭanāvalīs* I want to turn to in this paper, namely accounts chronicling past renovations of the Svayambhūcaitya of Kathmandu.[2] Though they are

2 For a consideration of these chronicles as a particular form of historiography, see von Rospatt 2002.

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technically not legal documents, they have a prescriptive facet insofar as it is understood that future renovations are to follow the precedent of the recorded renovation. This concerns not only the minutiae of rituals accompanying the renovation but also the details of collective sponsorship that I focus upon here.

The Periodic Renovations of the Svayambhūcaitya and the *Ghaṭanāvalīs* Recording Them

The Svayambhūcaitya—the expression *caitya* is commonly used in the Nepalese tradition instead of *stūpa*—is the most important shrine for the tradition of Indian Mahāyāna Buddhism that survives in the Kathmandu Valley among the original inhabitants, the Newars. This *caitya*—a massive hemispherical dome mounted by a *harmikā* that is crowned by thirteen rings (*cakrāvalī*) and an honorific parasol (*chattra*)—is located about a mile west of Kathmandu on top of a hillock that is usually called Svayambhū, or, in the local vernacular Newari, Seṃgu, Segu, or a variation thereof. Beyond the borders imposed by locality and caste, all Newar Buddhists accept Svayambhū as the center of their religion and, by converging there, express their identity. While the historical beginnings of the Svayambhūcaitya are not documented—there are only very few (and inconclusive) sources attesting to its existence in the first millennium—it is likely of great antiquity and may have been erected in the place of a pre-Buddhist sacred site, as part of the process of introducing Buddhism to the Valley, possibly some two thousand years ago.[3]

Over the course of the one to two millennia that the *caitya* has existed it has been rebuilt and updated over and over (von Rospatt 2011, 2013). There are records of this beginning in the 13th century. They bear out that between the 13th and 19th centuries the *caitya* was extensively renovated at irregular intervals, on average twice a century. These extensive renovations entailed that the entire structure of the *caitya* above the dome was dismantled and discarded, that the dome itself was cut open in order to allow for the replacement of the massive wooden pole of more than twenty meters' length traversing the whole edifice (New. *yaḥsiṃ* from Skt. *yaṣṭi*; Tib. *srog shing*), and that the *caitya*, stripped down in this manner, was then rebuilt with new

3 For details see von Rospatt 2009.

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materials. These were elaborate operations and required the participation of a large number of qualified craftsmen, artisans and priests as well as their helpers. But the most precarious and labor-intensive undertaking was the transport of the massive tree to function as new *yaṣṭi*. It is of subtropical hardwood (*sāl*) not found in the Valley and had to be cut on the banks of the Trishuli Ganga or its tributaries, at an altitude some 3000 feet below the Kathmandu Valley. Towing it from there across the mountain range enclosing the Valley required hundreds of workers taking turns to pull the *yaṣṭi* in separate campaigns spread out over more than a year. Besides labor, the *caitya*'s rebuilding required materials such as wood, bricks, copper and considerable amounts of gold for gilding select parts, such as the *chattra* and finial, the shields surmounting the *harmikā*, the thirteen rings above, or even the niches set in the dome as has been the case since the renovation of 1918.

Given the scale of the traditional economy of Kathmandu (which in the later Malla era consisted of little more than a town with surrounding land dotted by villages) these are massive costs. Normally, for the upkeep of cults and shrines there are—as elsewhere on the subcontinent—landed endowments, recorded in deeds and other documents. However, in the case of the Svayambhūcaitya there was no endowment of land that could have covered these enormous expenses and provided for the necessary labor.[4] This is so because the *caitya* was not routinely renovated after a stipulated period of time, but only irregularly (as mentioned above, on average twice a century) when the need arose after it fell into disrepair, and when donors came forth. Besides, it would have been next to impossible to 'bank' the annual yield from endowment lands so that they would have built up over several decades into funds large enough to cover the enormous expenses needed. In the absence of a regular endowment, varying sponsors backed the different renovations and took the initiative to lend support or even initiate a

4 This was already pointed out by B. Kölver (1992: 107f.), and I found confirmation when surveying the documents archived by the Guthi Samsthan (and microfilmed by the NGMPP). These documents were catalogued in the 1990s by a team of Nepalese scholars, employed as part of a project funded by the German Research Council and overseen by Kölver. I went through all catalogue cards relating to Svayambhū, and found that the vast majority of the more than thousand such documents record the donations of ornaments. While there are some records of endowing land for the purpose of whitewashing the *caitya*'s dome, there is no evidence of endowments dedicated to keeping the Svayambhūcaitya in repair. This accords with the evidence of the chronicles and other historic materials, which never give the slightest indication that such endowments might have existed.

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renovation. It is often difficult to reconstruct the details but the sources evince a trend, namely that Tibetan lamas (who themselves had varied backgrounds and differing school affiliations) often played a dominant role as donors, and even instigators, in renovations undertaken between the 13th and the 16th centuries. (As mentioned, no information is available for renovations performed before then.)

By contrast, from the renovation begun in 1591 onwards the Newars took care of the renovations largely (or even exclusively) on their own, while Tibetan sponsorship faded into the background. The Newars did so in a concerted collective effort that is well documented in the mentioned *ghaṭanāvalī*-type texts for all seven major renovations undertaken between the end of the 16th and the beginning of the 19th centuries. While these sources include architectural aspects in passing, they focus on the rituals, and register—with a level of detail that differs from text to text—the principal rites performed in the course of a renovation, starting with the felling and transport of a tree to function as new *yaṣṭi*, continuing first with the extraction of the *caitya*'s divine essence and its dismantling, and then treating the establishment of the new *yaṣṭi* and the rebuilding of the *caitya*, before ending with the transference of the divine essence back to the *caitya* and the extended consecration ceremony sealing the renovation. The entries are precisely dated and, with some exceptions, chronologically arranged.[5] They track the progress of the renovation work, including problems and complications encountered in the process. The brief summaries of the rituals include particulars and notably register the participants, that is, the priests who officiated, the caretakers who assisted them, the *jajmāns*, who functioned as the rituals' patrons, other sponsors including the involved Tibetans, the king and concerned officials, etc. The texts also note the propitiatory rituals performed in conjunction with the main ritual action and the animals sacrificed in the process.

The earliest such chronicle is embedded in a well-organized *ghaṭanāvalī* (which I refer to in the following as *Chronicle 1*). It records

5 The entries in the chronicles are introduced by specifying in astrological terms the time—in truth it is a time window—when the ritual was performed. This relates the entries to the notes priests make in preparation ahead of complex ceremonies. These notes name the ritual and state the auspicious time (New. *sāit*) for its performance as obtained from an astrologer. They may also include further information such as the names of the patrons (New. *jajmān*, Skt. *yajamāna*) which the priest needs to recite when declaring the formal intention (*saṃkalpa*) of performing the given ritual. Such notes may be kept after the rituals' performance as historical records of sorts. Probably, suchlike notes served as sources for the *ghaṭanāvalī* type chronicles examined here.

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two closely related renovations; the first was carried out from 1591 to 1595, the second one only a few years later from 1601 to 1604, after the newly rebuilt *caitya* had been badly damaged by lightning. *Chronicle 1* is clearly closely related to the matching inscription commemorating these "twin renovations".[6] As is characteristic for medieval Nepalese inscriptions, the Sanskrit text of this inscription is followed by its rendering in the Newar vernacular. This vernacular portion is considerably longer than the Sanskrit segment and includes mention of the different communities of Kathmandu and their overseers contributing towards the renovation. It also covers the central tree's transport to Svayambhū. The inscription was in all likelihood commissioned by the principal sponsor of the renovation (who was a close associate of the king) and focuses on the larger details of sponsorship. The matching chronicle, on the other hand, was presumably authored by one of the participating priests and reflects his perspective and concerns. These two sources (and a further less developed account) bear out that the two renovations shaped the pattern of collective sponsorship that turned the renovations of Svayambhū in the later Malla era into great communal events involving significant segments of the Buddhist community. The mechanisms at work here are not unique to the renovations of the Svayambhūcaitya but characteristic of Newar society and the complex web of inherited obligations and privileges that—through the institutions of *guthi* and family—tie the different segments of Newar society together and make for its extraordinary cohesiveness. Hence, beyond its interest for the history of Svayambhū, the material discussed here serves to contribute more generally to the social history of the Malla era. This is particularly valuable as there is (to my knowledge) no other material that would show for this era in comparable detail how the Buddhist segments of Kathmandu's populace were bound together by a collective task, how Buddhism was woven into the fabric of Newar society, and how it served itself as a force tying different segments of this caste-based society together.

6 On the twin renovations see von Rospatt (2011: 176–181). The inscription has been published by Vajrācārya and Nepāl (1954/55: 46–49) and D.R. Regmi (1966: 46–51, inscription no. 29). B. Bledsoe (2004: ch. 6) offers a detailed analysis of this inscription.

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Sponsorship of the Twin Renovations

The chronicles, inscriptions and related sources, such as architectural drawings or Tibetan accounts,[7] allow to track over almost two and half centuries the origination, persistence and eventual disintegration of the system of collective sponsorship treated in this paper. Rather than presenting an exhaustive account of all the collective contributions to the renovations recorded in my sources (for which see von Rospatt forthcoming: ch. 9), I here offer a summary that captures the principal details and takes the twin renovations as its main point of reference. The mentioned inscription gives at the end a list of the sponsors of the thirteen rings above the *harmikā*. This list concludes with the general pronouncement that the renovation "was [accomplished] collectively by the whole region, [that is,] by the [people] of the areas inscribed here" (lines 50–52). This bears out that the sponsorship of the rings is directly related to the contributions the concerned communities made to the renovation in general, and in a sense epitomizes these contributions. The list starts with the uppermost 13th ring and assigns it to the king, while mentioning that Jayarakṣa acted as caretaker.[8] It then continues with 12) Seṃgu (i.e. Svayambhū), 11) Votu Bāhāl, 10) Lagan, 9) Asan and Naḥghal, 8) Vaṃ Bāhāl,[9] 7) Itum Bāhāl, 6) Kel, 5) Sikhaṃmuguḍi, 4) Asan and Naḥghal, 3) Bhilache, 2) Sikhaṃmuguḍi,[10]

7 For an extensive introduction to the pertinent sources see von Rospatt (forthcoming: ch. 1 and bibliography).

8 In the mentioned chronicle Jayarakṣa features as sponsor for the later of the two renovations (26,7f. and 29,4f.), and in line 29f. of the inscription Jayarakṣa is identified beyond doubt as the *dānapati* of the earlier renovation, too. Here Jayarakṣa does not feature as sponsor (*dānapati*) in his own right, but as "caretaker" acting on behalf of the king who "owned" the highest and most prestigious ring.

9 The evidence regarding the eighth ring is not clear. While the overwhelming majority of sources attribute this ring to Lagan (thereby making Lagan the only community besides Votu that would have owned two rings), the inscription ascribes this ring to Vaṃ Bāhāl and the sixth ring (which the other sources ascribe to Vaṃ Bāhāl) to Kel (to which the other sources do not ascribe a ring). This suggests that the ownership of the eight and also sixth ring fluctuated over time, though it is also possible that the inconsistencies of our sources here simply owe to error.

10 All other sources record as sponsor of the second ring the "coppersmiths of Maru" or "the houses behind Maru". These attributions are identical because the coppersmiths of Maru even now live in three courtyards just behind the ground of Kāṣṭhamaṇḍapa. (They no longer practice their traditional craft, but mainly work as gold- and silversmiths.) Even though the inscription's list registers (adjacent) Sikhaṃmuguḍi instead of Maru, the attribution of the sponsorship of the second tier to Maru in the other sources makes perfect sense. It was one of the five localities of Kathmandu providing manpower

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and 1) Votu Bāhāl, with the implication that in descending order they are each assigned to the remaining twelve rings. Besides funding the fabrication of a new ring, sponsorship entailed the responsibility for the ring's removal when the *caitya* was dismantled, and for the ritual installation of the newly fashioned one when the *caitya* was rebuilt. The sponsors had to act as *jajmāns*, and to provide the materials for the rituals and also for the festive meal (*bhoj*) to be consumed afterwards.

In addition to sponsoring the rings and contributing in further ways, the principal donor communities collectively assisted in the grand reconsecration ceremony sealing the renovation. This is the most elaborate ritual of the whole renovation. It is structured around a fire ritual lasting up to twelve days and nights (*ahorātra*), which is preceded by months of preparation and followed by days of elaborate concluding rituals. The *ahorātra* ceremony is an extraordinarily elaborate and complex affair, and beyond the officiating priests, these rituals required caretakers who arranged for the myriad offerings and props needed, and who assisted with practical matters during the rituals' performance as well as before and afterwards. This support was provided by the same communities who sponsored the rings and were at the forefront of contributing towards the renovation. Members of these upper caste communities often took higher tantric initiation, which surely must have been a prerequisite for assisting in the esoteric fire ritual, from which non-initiates are excluded as a matter of course. The communities participated by "taking care" (*citā yāka*) of a particular day and/or night shift for which they assumed charge, providing (and presumably paying for) the *pūjā* materials and organizing the exterior aspects of the rituals—a duty that may have included the actual act of casting the various offerings into the fire on command of the priests. These care-taking functions are typically assumed by the *jajmāns*, and the arrangement of communities assuming responsibility by turns bears out that even while the Bares of Semgu formally functioned as *jajmāns* (see below), the Buddhist population of Kathmandu at large was in a sense the true patron of the renovation. This arrangement also meant that the consecration did not only seal the renovation ritually, but that for the care-taking communities it also came to seal their participation and cap the support they had offered before in the course of the renovation.

for pulling the *yaṣṭi*, it shouldered a quarter of the work on the tiers, and it assumed responsibility for two of the eight shifts for building up the *garbha* and the *harmikā*.

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Chronicle 1 recording the twin renovations provides the following details, which I have tabulated at the end of this section. For a start, it was the king's prerogative to assume responsibility of the first day and night of the fire ritual, which coincided with the ritual birth of the deity *(jātakarman)*. However, on his behalf the *dānapati* Jayarakṣa (identified here simply as the "caretaker from Votu Bāhāl") assumed responsibility (12,7–13,1) just as he had done for the ring of the king.[11] The people from Lagan took care of the next twenty-four hours when the rite of bestowing sight (*dṛṣṭidāna*) upon the deity was performed (13,1f.). For the third day and night it was the turn of the people of Vaṃ Bāhāl to "tend to the *homa*" (New. *mi chuya*) (13,2f.).[12] On the fourth day, when the name-giving rite was performed, the people from Bhote Bāhāl took over; in the night the people from Sāracha looked after the *homa*. The people of Sikhaṃmuguḍi served on the fifth day and night, dedicated to the rite of the first feeding of fruit (*phalaprāśana*). The sixth day, which saw the first feeding of rice (*annaprāśana*), was attended to by the people from Gvālapasala; that night Jina Bhāro of Gaṇṭhiche was in charge. The people from Makhan and Daṃdache[13] functioned as caretakers on the seventh day and night, when the ritual tearing of the throat (*kaṇṭha khuya*), a little-known rite of passage,[14] was performed (13,7). On the eighth day and night, featuring the rite of tonsure (*cūḍākaraṇa*), it was the turn of the people from Itum Bāhāl and the adjacent locality of Nyeta (13,7–14,1). The people of Votu Bāhāl were on duty on the ninth day and night during which the ritual of imposing the vows (*vratādeśa*) of the *upanayana* initiation was carried out for the deity (14,1f.). On the tenth day and night, which included the final rite of passage, namely the wedding (*pāṇigrahaṇa*), the people of Kel did duty (14,2f.). For the next twenty-four hours of the *pratiṣṭhā* ritual, which "firmly establishes the deity", the people of Asan and Naḥghal rendered service (14,3f.).

11 The text does not specify here that it was Jayarakṣa who acted on behalf of the king. However, in line 50 of the inscription Jayarakṣa is explicitly identified as the king's caretaker, and below in the chronicle (17,2–4) it is specified that Jayaharṣa (= Jayarakṣa) provided the items for the *ahorātra yajña* on behalf of the king. The identification of Jayaharṣa as the caretaker of the king bears out that the donor generally acted on the behest of the king, who was ultimately in charge.

12 On this ritual see von Rospatt (2010: 204 n. 18).

13 Daṃdache (lit.: "house of punishment") could refer to a neighbourhood with a police station. It may have been located close to Makhan Bāhāl, so that the police station would have been even then in the same area as the present central police station in Hanumān Ḍhokā.

14 On this ritual see von Rospatt (2010: 250).

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Finally, on the last day, the people of Votu Bāhāl once again acted as caretakers, attending to the *abhiṣekas* bestowed upon the deity as well as to the concluding rituals (14,5). Thus, "the consecration of Svayambhū was accomplished by (all) these people collectively" (14,5f.). To repeat, this arrangement gave the principal sponsoring communities a stake in the consecration ceremony and transformed them from mere bystanders to active participants. Importantly, ten of the twelve day-and-night shifts were taken care of by the same communities who already sponsored rings. That is, the first to third day-and-nights were catered to by respectively the king, Lagan and Vaṃ Bāhāl. The fifth and the seventh to twelfth day-and-night shifts were taken care of by respectively Sikhaṃmuguḍi, Makhan, Itum Bāhāl with Nyeta, Votu Bāhāl, Kel, Asan with Naḥghal, and again Votu Bāhāl. This means that of the patrons of rings (who were the principal local sponsors of the renovations) only the Bares of Seṃgu and the coppersmiths did not serve as caretakers in the concluding consecration ceremony. While the former were already involved as religious specialists and hence did not serve as caretaker, the coppersmith may have been excluded from the consecration ceremony because of the lack of higher tantric initiations, or simply because of their lower status compared to the other donors—they owned the second lowest and, given the elevated status of the first ring (see below), least prestigious tier. However, at subsequent renovations the coppersmiths of Maru were allowed to act as caretakers, albeit first only for the preparatory rituals including the empowerment rites, and not for the *ahorātra* ritual itself. In 1758, by contrast, they were permitted to participate in the consecration ceremony proper, and even took care of the fourth night.

While the sponsorship of the rings and the shouldering of shifts at the consecration ceremony tabulated below were the prerogative of the upper caste Buddhist establishment, the mentioned chronicle provides details of how other communities contributed towards the twin renovations. To start with, it records that the tree cut to function as *yaṣṭi* was pulled towards Svayambhū by the people of Kathmandu, who were organized into groups by locality. In the earlier of the twin renovations there were five localities—namely Thathui Puiṃ, Asan, Votu, Makhan and Maru—each of which took a turn of six days and five nights during which their residents went out and provided the manpower for towing the *yaṣṭi*. In the case of the later renovation there were seven (or possibly eight) localities—viz. Manasu Bāhāl (?), Jyātha Bāhāl, Taṃmugali, Hnūgal, Kohiti, Mājhipāt and Yalākṣa—whose residents took turns

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pulling the *yaṣṭi*. The populace involved in hauling the *yaṣṭi* was not identical with those who subsequently participated in the rebuilding of the *caitya*. It may be safely presumed that they were not recruited from the upper castes. Many may have been oil pressers (Sāymi), who were already in charge of the technical aspect of the pulling operation, and who may have felt a particular affinity to Svayambhū and Buddhist cults, as Sāymis traditionally do. Others were presumably recruited from the fold of the Jyāpus (lit. "workers") who form the backbone of Newar society and typically labor as peasants. While they may have received some remuneration, their obligation to render service probably derived from the complex system of duties based upon *guthi* membership (and caste and locality) that characterizes Newar society.[15] At any rate, there is no evidence that their labor was corvée enforced by the government.

The mentioned chronicle relates (for the earlier renovation) that not only the *yaṣṭi*, but also the wood for making thirty-two logs each five cubits in length (which were needed for the fabrication of the rings and possibly also the *chattra*) was transported by the people of Kathmandu to the top of Svayambhū—presumably from the slopes of the hillock where the wood for the *chattra* was routinely cut, as reported in the chronicles. The text adds that as for the work for the *cakras*, half was done by Yambu, that is, by the people from upper Kathmandu, a quarter by the people of Vaṃ Bāhāl, and a further quarter by the people of Maru. Furthermore, the chronicle relates that for "building up the new dome, (the people from) Votu Bāhāl spent an entire day, then (those) from Maru spent an entire day, and then in cooperation (those from) Vaṃ Bāhāl, Lagan and Bhote Bāhāl (spent an entire day[?])" (9,7–10,1). When "building up the *harmikā*, (the people from) Votu Bāhāl, Itum Bāhāl, Maru, Lagan and Vaṃ Bāhāl built part by part" (10,2f.). Though the collective character of the renovation is attested in this way, the chronicle does not fail to highlight the leading role in the consecration played by the principal sponsor of the renovation, namely Jayarakṣa, *alias* Jayaharṣa as he is referred to here. Thus it records that "the venerable Jayaharṣa bore the burden of whatever the people could not (supply) collectively" for the consecration ritual (17,2), and the burden of the *pūjā* materials furnished in the name of the king (17,3f.).

15 The system of forced recruitment by locality was operative at the uprising in 1989, overthrowing the Pañcāyat regime. Every Newar household in Patan, where the disturbances originated, was obliged to provide one member for the revolutionary force, no matter whether they shared its political aspirations.

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It also stresses the personal engagement of Jayarakṣa in this context, relating that he observed fast together with the priests throughout the *ahorātra* ritual (17,3).

The sponsorship of the thirteen rings captures and epitomizes the pattern of collective sponsorship laid out above. It was the most stable feature of this pattern and persisted, unlike other aspects, until the renovation in the early 19th century. Accordingly I have taken the rings as a starting point for the below table, which serves to present the relevant data of the twin renovations in summary form. It allows us to witness how the sponsorship of the rings by particular localities is expressive of their overall contribution to the renovations (table 1).

Collective Sponsorship after the Twin Renovations

The systematic communal sponsorship of renovations outlined here is not attested for renovations before 1591, that is, before the twin renovations. While some aspects, such as the towing of the *yaṣṭi* by segments of Kathmandu's populace, may have earlier origins, it is clear that the twin renovations shaped the pattern of public sponsorship that was in place subsequently. This follows from the prominence of Votu Bāhāl in this pattern—notably, they owned the first and the last of the available eleven *cakras*[16]—which enshrined the leading role this locality played during the twin renovations under the leadership of Jayarakṣa, the principal donor. It persisted for the next four renovations and only became undone at the renovation from 1814 to 1817, when the system of traditional sponsorship had largely disintegrated. The persistence of this pattern of communal contributions over two centuries and more follows from the principle that the sponsorship of a shrine or a part thereof, or even of a ritual, entails the right (*adhikāra*) and duty to sponsor the same part or activity in the future. Thus the donor of a votive *caitya*, or his descendants, have the duty to celebrate the anniversary of the *caitya*'s establishment (*varṣavardhana*) and must restore it, if need be. Assuming responsibility for a *caitya* without historical "owners" obliges one to maintain it henceforth. Accordingly, the descendants

16 The eleventh ring is the highest available ring—the thirteenth and twelfth are reserved for the king and the Semgu Bares respectively. Like the highest and most important ring and unlike the second to twelfth ring, the first ring was ritually established in the framework of a fire ritual, which speaks to its special role as standing at the head of the set of thirteen rings.

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Table 1: The rings' sponsors (as recorded at the end of the inscription commemorating the twin renovations), their service as caretakers for day and/or night shifts of the fire ritual (*ahorātra*) of the reconsecration ceremony, and their further contributions to the twin renovations.

Patrons of the rings at the twin renovations (top to bottom)	The patron's service as caretaker for shifts of the *ahorātra* fire ritual	Further contributions of the rings' patrons to the twin renovations
13) King of Kathmandu	1st day-and-night (Jayarakṣa acted as caretaker)	
12) Seṃgu	since Seṃgu Bares act as *jajmāns*, they do not serve as caretakers	none beyond their participation as *jajmāns*
11) Votu Bāhāl	9th and 12th day-and-night (final 12th day may have been of Jayarakṣa)	principal sponsor was Jayarakṣa from Votu; pulling *yaṣṭi*; work on *garbha* and *harmikā*; sponsor of Amitābha niche from Votu
10) Lagan	2nd day-and-night	work on *garbha* and *harmikā*
9) Asan and Naḥghal	11th day-and-night	pulling *yaṣṭi*; gilding *mūrti* of Amitābha (Asan alone)
8) Vaṃ Bāhāl (other sources: Lagan)	Vaṃ Bāhāl: 3rd day-and-night	Vaṃ Bāhāl: work on *garbha*, *harmikā*; "quarter of the work for the *cakras*"; home of the sponsors of Ratnasaṃbhava niche and of gilding his statue
7) Itum Bāhāl	8th day-and-night (together with Nyeta)	work on *harmikā*
6) Inscription: Kel (all other sources: Vaṃ Bāhāl)	10th day-and-night	
5) Sikhaṃmuguḍi	5th day-and-night	provides principal priests (remunerated service, no sponsorship)
4) Asan and Naḥghal	See ring 9)	See ring 9)
3) Bherache (which may have been part of Makhan)	Makhan: 7th day-and-night	Makhan: pulling *yaṣṭi*; Bhilache: sponsor of Amoghasiddhi niche
2) inscription: Sikhaṃ muguḍi (all other sources: coppersmiths of Maru; cf. n. 10)	coppersmiths only served as caretakers at later renovations	pulling *yaṣṭi*; work on *garbha* and *harmikā*; possibly a quarter of the work on *cakras*
1) Votu Bāhāl	See ring 11)	See ring 11)

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of Dhamāṃ Sāhu, the main Newar sponsor of the last renovation in 1918,[17] claimed (oral communication) to have certain (unspecified) rights in the next renovation of Svayambhū, though de facto they were ignored when the *caitya* was newly gilded (and in the process partially repaired) from 2008 to 2010. Similarly, sponsoring particular parts of the Svayambhūcaitya or taking care of a specific shift of the consecration rituals entitled and also obliged the concerned party to assume the same responsibility at subsequent renovations. Fittingly, *Cakrapāṇi's Chronicle* (fol. 41v4) uses the term "owner" (*thuoāpaniseṃ*) when referencing the sponsors of particular rings in course of the early 19th century renovation. Since this type of ritual obligation is hereditary, the thirteen rings of the *caitya* and other parts were sponsored—with some modifications—by the same neighborhoods again and again. Similarly, at the renovations carried out between 1595 and 1758 basically the same groups took care of the consecration rituals on the same day(s) and/or night(s) over and over. The logic of inheriting rights and obligations also applied to the king, who featured prominently in this system through his recurring sponsorship of the uppermost and hence most prestigious ring as well as the crowning finial above, and through patronizing the first and last day of the consecration rituals.

It is not by chance that the commencement of active Newar sponsorship coincides with the beginning of keeping extensive written records of the *caitya*'s renovations. While it cannot be excluded that there were older records, since lost, it is unlikely that any of the previous renovations were recorded in quite the same detail as the twin and subsequent renovations, for which various records survive. Rather, it seems that as the renovations became large-scale communal affairs involving significant segments of Kathmandu's populace, their profile among the Newars was raised and they started to become the object of extensive historical records. These records also served to register communal contributions, be they labor, the sponsorship of parts, or acting as caretaker of particular days and/or nights of the concluding consecration ceremony. Given the long intervals between renovations, it was necessary to preserve through such records the memory of which communities of Kathmandu were responsible for which elements of the renovation. It was also important that these details be recorded anew every time Svayambhū was renovated because the pattern of sponsorship needs to be perpetuated continuously. A break in assuming responsibility leads

17 See von Rospatt 2011: 201–206.

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to rupture, hence the need for proof of how sponsorship was organized at the immediately preceding renovation. In this way the renovation chronicles not only served to record what were monumental events in the life of the participating Newars, but, by registering the contributions of all contributing communities, they also provided a blueprint of how future renovations were to be accomplished collectively. This underscores what I stated at the outset, namely that the Svayambhū chronicles (which, to be sure, are complex sources that served multiple agendas) assumed something of the function of official records, documenting which communities were responsible for which tasks. Even though technically such records had no binding legal force, the concern for prestige and the fear of public loss of face and standing were such that the communities in question felt compelled to honor them and shoulder the given task. Befitting their normative dimension and giving them some official imprimatur, these accounts appear—as far as we can tell, given that they are anonymous—to have been authored by senior priests (or their close associates) serving in the given renovation in their official function as "*ācāryas* of the ten regions" (*digācārya*) on behest of the king and society.[18]

Arguably, the ritual chronicles also functioned in another manner as documents of sorts, namely by attesting to the proper performance of the requisite rituals including the costly offering of sacrificial animals. Such a function would not be surprising given that the priests could, as narrated in the chronicle mentioned in n. 19 (2r2–6), be held accountable if something went wrong. Such a documentary function of the chronicles would, moreover, be in line with the preoccupation of the Newars to keep detailed accounts, in particular of expenses, for all kinds of affairs—clearly in order to disprove allegations of misappropriation and misconduct. Obviously such a function would be particularly pertinent in the case of the renovations principally funded and organized by the Newars themselves, which fits the fact that we only have detailed records for precisely these renovations.

The traditional system of collective sponsorship of the Svayambhūcaitya's renovations started to weaken towards the end of the Malla

18 The "*ācāryas* of the ten regions" (*daśadigācārya*) are traditionally responsible for the performance of Buddhist rituals anywhere within the kingdom when the need arises, hence their designation that puts them in charge of the four cardinal and the four intermediate directions as well as of zenith and nadir. This includes their responsibility for Svayambhū and its renovations. For details see von Rospatt forthcoming: ch. 8.

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era when the Valley was suffering under the prolonged siege by the Gorkha troops of Pṛthvīnārāyaṇa Śāha. At the subsequent renovation concluded in 1817 it had lost much of its traction as the close-knit fabric of Newar society in the Malla era had begun to unravel due to the sociopolitical changes brought about by the takeover of the Valley and its integration into the nascent Nepalese nation state. Instead of the communities traditionally responsible for particular parts, labor or service, a few prominent Newar traders (Sāhu) with close ties to Tibet emerged at that renovation as new sponsors who, together with Tibetan (and Bhutanese) donors, shored up the effort and helped to ensure the successful conclusion of the renovation. This trend continued at the next major renovation a hundred years later, which was financed almost exclusively by Tibetan (and Bhutanese) contributions and funding provided by the Newar merchant Dhamāṃ Sāhu, who owed his wealth to trade with Tibet and China. The most recent renovation, undertaken from 2008 to 2010 in order to newly gild all the *caitya*'s copper fixtures—principally the framing of the niches set in the dome and the sheets covering the *harmikā* and rings above—was carried out on the initiative of a sole sponsor, the Tibetan Nyingma Institute located in Berkeley, California. While the Vajrācāryas of Kathmandu and the Buddhācāryas of Svayambhū acted during that renovation in their traditional roles as respectively priests and patron (*jajmān*), there was no form of communal Newar sponsorship in place. However, this renovation was motivated by the desire of a particular individual, namely Tarthang Tulku, to newly gild the *caitya*, and not necessitated by its disrepair. Hence, it differs structurally from the comprehensive renovations that include the dismantling of most of the structure in order to allow for the replacement of the central post, the *yaṣṭi*. Mirroring the disengagement of the Newar community, there are no traditional *ghaṭanāvalī*-type accounts of this last renovation or the preceding renovation of 1918.

Analysis of the Pattern of Collective Sponsorship

Reviewing the pattern of collective contributions, one cannot fail to notice that—unlike in the case of the ancient *stūpa* sites of India (see below)—the sponsors were not individuals or single families but communities. A seeming exception is the principal sponsor for the twin renovations, Jayarakṣa. But even his contributions became identified

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with the community he hailed from, that is, the Bares of Votu Bāhāl. Another apparent exception is the gilding or replacement of the Buddha statues set in the niches, including work on the niches themselves. These were sponsored by individuals including donors who were not from Kathmandu.[19] However, this was so because the renewal of the Buddha statues and their niches was not regarded as an integral part of the *caitya*'s renovation, but as additional work that was understood to be singular and did not translate into any rights or claims.[20]

The patron communities were organized according to locality and caste, that is to say, they were formed by members of the same caste, living in the same neighborhood. This form of organizing Newar society still persists to this day. Members of the same caste living in a particular neighborhood form an association (*guthi*). Membership is by family and heredity and translates into both duty to contribute labor and service, and privilege to enjoy the *guthi*'s support, for instance, when hosting a marriage banquet (*bhoj*). The *guthis* of the Jyāpu community are particularly robust because the Jyāpus are numerous and form the backbone of the population. The organization of monasteries follows

19 The aforementioned chronicle E 1874/2 reports for the earlier of the twin renovations: "The Śākyabhikṣu Śrī Dharma-ju from Pitache of Votu Bāhāl had the niche of the main side made (= the eastern side with Amitābha)" (11,2), and "Bhona from Bhilāche had the niche of Vasigāl made (= the niche of Amoghasiddhi on the northern side with the *nāga* pool called Vasigāl)" (11,2f.). "Together with his nephew Jñānaju, the Śākyabhikṣu Śrī Jinasiṃha-ju from Bhote Bāhāl of Yaṃgal had (the niche at the place) where one looks down made (i.e. the niche of Akṣobhya on the eastern side, atop the steep staircase, affording the view over Kathmandu)" (11,3f.). Finally, "having had it manufactured in Bhaktapur, the Śākyabhikṣu Śri Jayaharṣa-ju from Vaṃ Bāhāl had (the niche) of Ratnasambhava made (on the southern side)" (11,4f.). Further below the text relates (14,7–15,1) that the statues of Amitābha, Akṣobhya and Ratnasambhava were gilded respectively by the people of Asan, by ethnic Tibetans (*saṃjapani*) from "Rarija" (?), and by "the owner" from Vaṃ Bāhāl, that is, possibly, by the aforementioned Jayaharṣa who had already sponsored the niche for Ratnasambhava.

20 The only true exception I am aware of concerns the shift of the sixth night of the consecration ceremony at the twin renovations. It was attributed to Jina Bhāro of Ghaṇṭiche (lit. "bell house"). The edifice with the giant bell at Hanumān Ḍhokā was only established in 1797, but the Ghaṇṭiche mentioned here may have stood at the same site, which is located in the larger neighborhood of Sikhaṃmuguḍi, just as Sārache and Gvālapasal (which was in charge of the day shift just before) are. At the next renovation a certain Sūryadeva, who may have been a direct relative of Jina Bhāro, took care of this shift. It is conceivable that these two individuals were particular prominent members of their community, and that their contribution was thought of in communal terms just as Jayarakakṣa's sponsorship was identified with Votu Bāhāl. Note that in 1758 we no longer have a named individual but the coppersmiths of Mājhipat who were in charge of this shift. Possibly they were the descendants of Sūryadeva and Jina Bhāro, who may have been coppersmiths, too.

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along the same lines, and they function as caste-based, exogamic units in much the same way as *guthis* do. Even though the sources do not explicitly identify the sponsoring communities as *guthis* this can be taken for granted and is a given in the case of the contributing monasteries.

The sponsoring communities were distributed quite evenly over Kathmandu, but there was little spread in terms of caste. Rather, the principal sponsors assuming responsibility for particular parts of the *caitya* and shifts of the *ahorātra* consecration at the end were Bares, that is, Śākyas, a term the sources analyzed here do not use,[21] though Sāhus and other Urāys, such as coppersmiths, also played an important role. The prominence of these upper caste Buddhists does not come as a surprise. The worship of Buddhist deities (both exoteric and esoteric) and shrines such as Svayambhū is central to the religious practices and identity of the Bares and Urāys, and since ritual purity and access to tantric initiation depend upon caste status, they were in a privileged position and could potentially participate in the many rituals that required the strict maintenance of ritual purity and that were often restricted to tantric initiates. This concerns in particular the numerous rites of consecration that accompanied the rebuilding of the *caitya* at each stage, and that culminated in the new consecration of the rebuilt *caitya*.[22] Of course, the Vajrācāryas were in an even more privileged position as regards access to such rites, but they feature almost exclusively as priests remunerated for their ritual services and not as donors. Indeed, none of the sponsoring communities is explicitly identified as including Vajrācāryas. Rather, if the sponsors are monastic they seem to be Bares alone, and that is so even in those cases where the monastery includes both Vajrācāryas and Bares. The different roles of Vajrācāryas and Bares came to the fore at the renovation in 1817 when the Vajrācāryas of the Sikhaṃmuguḍi monastery refused to contribute

21 On the varying uses of the terms Bare (lit. "venerable", derived from Sanskrit *vandya*) and Śākya, see Gellner 1992: 67.

22 The importance of ritual purity in the context of the *caitya* and its renovation is vividly brought home by an episode related in a chronicle kept in the National Archives, Nepal (acc. no. 3–270; NGMPP B 100/22: fols. 158v4–159r2) documenting the renovation at the beginning of the 18th century. On the day when the new *yaṣṭi* was raised some Tibetans ventured into the place where the sacred vessel was kept into which the divine essence of the *caitya* had been transferred for the time of the renovation. The Tibetans were caught and had to pay the substantial sum of six *mohars* as a fine. As atonement for the pollution, seven Bares of Seṃgu fasted for a day and night, and the next day an extensive *homa* ritual was performed.

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towards the expenses of sponsoring the fifth ring, leaving the Bares of this monastery to bear these expenses alone, as they had done in the past.[23] In this the Vajrācāryas acted much like Brahman priests rendering remunerated priestly service, while the true patrons were the Bares (and Sāhus and other Urāys) commissioning their services and financing also the labor of many of the other participants, such as woodcutters and carpenters. This accords with the Vajrācārya's perceived identity and role as ritual specialists whose task is not to support Buddhism materially but to guide it spiritually. May it be added that also nowadays the Bares and Urāys, rather than the Vajrācāryas, sponsor most Buddhist activities. This is particularly conspicuous at the *samyakdāna* festival treated at the end of this paper, where the Vajrācāryas function solely as recipients of *dāna*.

The dynamics on display here shed light on the relationship between Vajrācāryas and Śākyas. Since these two groups cohabit in monasteries, interdine and intermarry, they are normally regarded as forming one caste, namely that of householder monks at the apex of the Buddhist caste system. It is commonly understood that within this caste the Vajrācāryas enjoy a privileged position because they alone have access to the tantric *ācārya* ordination that empowers them to act as ritual priests and gurus imparting the highest tantric initiations. The Bares, by contrast, are lesser religious specialists who—together with the Vajrācāryas—function as monastic recipients of offerings from the laity (*dāna*) and assume turns as ritual officiant for the regular worship (*nityapūjā*) in the monastery they belong to. However, as the pattern of sponsorship at the renovations bears out, the Bares are more than lesser religious specialists. Rather, they are at the same time also patrons whom the Vajrācārya priests serve and upon whom they materially depend. And the same structure is also found elsewhere in Newar Buddhism. For instance, the *saṃgha* of Itum Bāhāl is overwhelmingly made up of Śākyas, and the single lineage of Vajrācāryas of this monastery is apparently secondary and there to serve the ritual needs of the Śākyas (von Rospatt 2010/2011). While this relationship parallels the contractual bonds between Brahman *purohitas* and their high-caste (often landed) patrons (*jajmān*), there are also important differences. In the Hindu fold the *jajmāns* are not at the same time religious specialists in their own right, and they do not intermarry (or interdine) with the

23 This is recorded (fol. 36r1–5) in the early 19th century chronicle mentioned in n. 19.

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Brahman priests but form a different caste. The same holds good in the Buddhist fold for the Sāhus and other Urāys who function as Buddhist *jajmān* par excellence. By contrast, the Bares are not only patrons but, as ordained householder monks, also religious specialists who share in the same world of elite Buddhist practice as the Vajrācāryas do and hence form the same caste. Still, the renovations of Svayambhū accentuated not what connects Bares and Vajrācāryas but what divides them, namely the split between patron and remunerated priest. It fits this distribution of roles that the Bares of Asan and Naḥghal joined hands with the traders (and not the Vajrācāryas) of those areas and acted collectively with them across the caste divide as sponsors of the fourth and ninth rings of the Svayambhūcaitya.[24]

Unlike other Bares, the Seṃgu Bares' primary identity is that of religious specialists. Nowadays they are known as Buddhācāryas, because—so the usual explanation—in addition to the ordinary monastic Buddhist ordination (*bare chuyegu*) taken by all male Śākyas, they undergo two years after that ordination further initiations (some say the *mukuṭa-* and *ghaṇṭābhiṣeka*) that ordinary Śākyas are not entitled to. On this basis they claim to be superior to them, but inferior to Vajrācāryas who alone are entitled to the full *ācāryābhiṣeka* (New. *ācāḥ luyegu*) that transforms them into Buddhist priests and entitles them to perform *homa* and *śrāddha* rituals for their patrons. The

24 This analysis of the function of Vajrācāryas and Bares in the course of the renovation is at odds with Kölver's claim (1992: 111ff.) that among the sponsors of the rings there is a marked preponderance of monasteries belonging to the *ācārya guthi* (which unites the Vajrācārya priests of Kathmandu), and that hence the Vajrācāryas played a leading role as owners of the rings. As a comparison of the chronicles with the drawing in manuscript C, the source used by Kölver, bears out, this does not represent the sources accurately. Of the thirteen rings only three (or four) belong clearly to monasteries that pertain to the *ācārya guthi*, namely Lagan Bāhāl (ring 10 and possibly ring 8), Itum Bāhāl (ring 7), and Sikhaṃmuguḍi Bāhāl (ring 5). But these three monasteries have mixed communities of Śākyas and Vajrācāryas, and the sources explicitly identify the Bares (i.e. Śākyas) of these monasteries (who do not belong to the *ācārya guthi* which is restricted to Vajrācāryas) as donors. This is confirmed by the aforementioned account of how the Vajrācāryas of Sikhaṃmuguḍi Bāhāl refused to join the Bares of this monastery in sponsoring the fifth ring. Among the sponsors of the other rings there is the mention of further monasteries, but the sources are careful to identify the donors as Bares and some of the mentioned monasteries, such as Asan Bāhāl (4th ring) only have Śākya communities anyway. In addition, we have the mention of donors recruited from the upper lay Buddhist castes beyond the monastic fold, notably the traders of Asan and Naḥgal (ring 4) and the coppersmiths of Maru (ring 2), and it is possible that the mention of neighbourhoods such as Vaṃ Bāhāl, Musuṃ and Votu also included lay Buddhist donors. At any rate, what clearly stands out is that there is no indication in our sources that Vajrācārya communities were among the donors.

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Seṃgu Bares live up at Svayambhū around the *caitya* and are the historical guardians charged with its daily worship (*nityapūjā*) and maintenance. In the case of more complex rituals requiring the offices of a Vajrācārya priest they normally function as *jajmān*, though this does not imply that they materially sponsor the ritual. Rather, traditionally they do not own land and their principal source of livelihood is derived from their service as ritual specialists at Svayambhū. Accordingly, they participate in the renovations by rendering services and do not feature as patrons. The only exception is their sponsorship of the twelfth ring (which is smaller in diameter than the rings below and hence less costly). Just below the ring of the king and above all the rings of the donor communities, its possession confirms the Buddhācāryas' special link with the *caitya* and does not turn them into one of the principal donor communities.

Given the status of the Svayambhūcaitya as the premier shrine of Buddhism—a shrine which, according to the mythological history narrated in the *Svayambhūpurāṇa*, lies at the origins of Buddhist civilization in the Valley and encases the spontaneously manifesting light of buddhahood—it is not surprising that the rings and other parts of the *caitya*—and the same applies to the shifts of the *ahorātra* ritual—were coveted items for upper caste Buddhists to express their religious allegiance and identity, display their social status and earn prestige (and merit). Even so, the sponsorship of these items and shifts left scope for lower caste groups and communities to also get involved, and their participation was of course essential in a number of ways. Among these groups and communities we can differentiate between 1) the oil pressers (Sāymi) with their particular expertise in rope work that was needed for towing the tree, for erecting the scaffold around the *caitya*, and for raising the new *yaṣṭi*, 2) the laborers towing the massive tree to function as *yaṣṭi* from where it was cut to Svayambhū, 3) the artisans and craftsmen engaged in dismantling and rebuilding the *caitya*, and 4) further specialists for fabricating ritual items, and for providing particular ritual services. Of these four sets, the Sāymis have a clearly defined Buddhist identity, and it seems that their *guthi* assumed responsibility for the mentioned tasks as a matter of course. As for the laborers towing the tree, they were—excluding the early 19th century renovation—drafted from among the communities of Kathmandu. While the details differ from renovation to renovation, it is clear that there was an element of coercion, and that their participation was not entirely voluntary. Regarding the craftsmen and artisans, it appears they were

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hired and remunerated for their work. This includes the woodcutters who were needed to fell the trees from which to fashion the *yaṣṭi* and rings of the *caitya*, and who also took care of chopping the old *yaṣṭi* so that it could be removed from the *caitya*. Likewise, carpenters were employed to fashion the new *yaṣṭi* and rings, and also to remove the old wooden rings when dismantling the *caitya*. Moreover, blacksmiths and coppersmiths were put to work to dismantle the iron and copper parts of the superstructure and to fashion—in cooperation with goldsmiths—the corresponding new parts when the *caitya* was rebuilt. Besides the wood- and metalworkers, there were large numbers of workers, such as bricklayers and plasterers, who were engaged to build up the new structure. As for the fabrication of ritual implements, potters, painters (Citrakāra) etc. were needed, and for the portering of such items workers (Jyāpu) had to be enlisted. Moreover, lower caste specialists were delivering certain ritual tasks. For instance, at various junctions of the rituals (e.g., when welcoming the *yaṣṭi* in ritual procession) music was played by the butchers (Nāy) blowing their trumpet-like *kāhā*, and by tailors (Kusle) sounding their oboe-like *muhāli*. It can be taken for granted that the fabrication of ritual implements and the rendering of ritual services were also remunerated. These examples shall suffice to show that lower castes, too, participated extensively in the renovations. However, unlike the Bares and Urāy sponsoring the *caitya* rings and the shifts of the extended fire ritual as well as other elements of the renovation, their services were presumably not rendered as voluntary acts of sponsorship. Rather, they were either obliged to render these services—the Sāymis and pullers—or they were contracted and remunerated just as the Vajrācārya priests were. This reinforces the picture that the true sponsors and owners of the renovation were the Bares and Urāy who thus assumed a central function, located at the hub of the caste-based system of obligations and services, in a manner resembling the landed upper caste in the *jajmāni* system.

It is noteworthy that the Bares and Urāy have—as otherwise only the Vajrācārya priests do—an unambiguously Buddhist identity, and that, apart from the king or his representative(s), no Brahmans or Shresthas or other upper caste Newars outside the fold of Buddhism had a stake in the renovations of Svayambhū. (This, incidentally, shows that in the Malla era, and no doubt before, upper caste Newars had clearly formed religious identities.) Even so, whether involved as sponsor, as drafted laborer or as remunerated craftsman, many segments of the population beyond the upper tiers of the Buddhist society

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of Kathmandu participated in the renovations and turned them into truly communal events. They at once accentuate the social differences between the participating groups and provide a framework in which the different groups are united by pursuing a common end, viz. to rebuild and renew Svayambhū. Besides such societal ramifications, the communal character of the renovations served to reinforce the central role of the Svayambhūcaitya as the focal shrine for the Newar Buddhist community beyond limitations of caste and locality. In all this the renovations resemble the public religious festivals of the Newars, which generally involve large parts of the populace in a variety of ways commensurate with their social and caste status. In this way, rather than being mere onlookers, they find themselves in one way or another at the heart of the action and identify with the event as well as the cult and deity it serves. Given the fervor with which the Newars typically celebrate such festivals, I suspect that many of the participants—notwithstanding the obvious concerns of the sponsors for prestige and merit-making, as well as the contractual nature of the rendering of obligatory and/or remunerated services—embraced the renovations of Svayambhū with some of the joy, devotion and enthusiasm that such communal events tend to generate.

Another important point clearly emerges from the pattern of sponsorship examined here, namely that the sponsors came, just like the ritual officiants, the Vajrācārya priests, exclusively from Kathmandu. There is one exception to this, namely singular acts of donation that did not entail any rights or claims. Besides the mentioned sponsoring of the niches with the Buddha images set, this includes in particular the donation of a new parasol (*chattra*) crowning the *caitya*. Such donations are recorded independently from complete renovations, and were presumably at times prompted by the wish to make a merit-earning offering towards Svayambhū, rather than by the disrepair of the old *chattra*. At any rate, sponsorship of the *chattra* did not translate into the privilege to be henceforth in charge of this element, and therefore it did not infringe on the traditional rights and duties of the people of Kathmandu to assume responsibility for specific parts of the *caitya* in the case of full-fledged renovations. As a consequence there was in such cases scope for sponsorship from outside Kathmandu, though it seems that even then the permission from the king of Kathmandu was needed. Thus the inscription of a bell in front of the temple of Pratāpapur up at Svayambhū records that it was donated in NS 820 (1700 CE) "by the Great King, the ruler of blessed Lalitpur (i.e. Patan), Yoganarendra

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Malla, with the consent of the Great King, the Lord of Kings, the ruler of blessed Kāntipur (i.e. Kathmandu), Bhūpālendra Malla", after the original bell donated by Pratāpa Malla had become impaired.[25]

While singular acts of sponsorship, such as the donation of a new *chattra,* were also possible for outsiders inasmuch as they did not affect the ownership of the Svayambhūcaitya, the Buddhists from Kathmandu jealously guarded the privilege and duty to assume responsibility of the renovations and to contribute by sponsoring an element such as a ring, or by acting as caretaker for rituals. For this alone translated into lasting claims on the *caitya.* This is confirmed by Svayambhūvajradeva's account of how the leaders of the Buddhist community of Kathmandu reacted when King Jayaprakāśa Malla confronted them in the middle of the 18th century with the wish of the Tibetan lama Kaḥ-thog Rig-'dzin Tshe-dbang nor-bu to renovate Svayambhū (von Rospatt 2011: 191). They rejected that the lama be officially entrusted with this task, claiming (wrongly, as it were) that there was no precedent for outsiders, "not even from Bhaktapur or Patan", to be put in charge of renovating Svayambhū. It is in line with this that Tibetan sponsors were, despite their substantial donations and—at times—their de facto leadership, excluded from the direct sponsorship of specific parts of the *caitya,* and hence from the rights that would ensue from such direct sponsorship. Thus *Cakrapāṇi's Chronicle* attests for the early 19th century renovation that when the traditional caretakers of their rings did not assume responsibility, there was no scope for the direct sponsorship of distinct parts by the sponsoring Bhutanese (or other outsiders). Instead, the lama in charge of the renovation entrusted traders (Sāhus) from Nyeta in Kathmandu with this task (fol. 34v7), or the royal caretaker(s) stepped in on behalf of the king (fol. 40r3–6).

To take account of the exclusive role of Kathmandu, it has to be borne in mind that Patan and Bhaktapur were until 1768 distinct kingdoms separate from Kathmandu. Even today, some two and a half centuries after the borders between these kingdoms fell with the conquest by Pṛthvīnārāyaṇa Śāha, there is still a strong sense of distinctness between the cities of the Valley, which are structured as autonomous

25 The present bell bearing the inscription was installed more than 150 years after the donation by Yoganarendra at the time of Jaṅga Bahādura Rāṇā. Hence the inscription on the present bell quoted above in my translation dates only from the 19th century. All the same, it is likely that the phrase "with the consent of the Great King, the Lord of Kings, the ruler of blessed Kāntipur, Bhūpālendra Malla" was not composed retrospectively but taken over from the inscription on the original bell donated by Yoganarendra.

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units independent from each other. Thus the most important deity for the people of Patan is undoubtedly Buṅgadyaḥ, a form of Karuṇāmaya based in Buṅgamati but stationed for part of the year in Patan, whereas Svayambhū does not command the same allegiance as it does among the Buddhists of Kathmandu. On the other hand, the Svayambhūcaitya was (and still is) an integral part of the larger sacred topography of the Valley shared by all Newars, and hence it played (and still plays) an important part in the religious life of Newars also from Bhaktapur and particularly Patan. For instance, Buddhists from Patan traditionally come during the month of Kārtik each morning to Svayambhū for worshipping the *caitya*, a custom still kept up by the many bus-loads of faithful ferried from Patan to Kathmandu daily during that month. Similarly, all the participants in the annual *matayāḥ* procession in Patan are obliged to visit Svayambhū some ten days later when the *pañcadāna* day is celebrated in Kathmandu (Vaidya 1986: ch. 6). This connection to Svayambhū found its expression also on the occasion of the *caitya*'s renovations when the citizens of Bhaktapur, Patan and the Valley's villages converged upon Svayambhū on the day of the new *yaṣṭi*'s arrival, welcoming it with music etc.

Conclusion

As we have seen, different communities of Kathmandu assumed responsibility for different parts of the *caitya*, notably its thirteen rings, taking care of their dismantlement at the outset of the renovation, sponsoring their new fabrication and seeing to their installation and consecration as the *caitya* was rebuilt. Moreover, particular communities assumed responsibility for certain tasks, such as joining hands in hauling the tree to Svayambhū, providing labor for the dismantling and building up of the *harmikā* and dome, and taking turns as helpers for the extended consecration ceremony at the end, including providing the requisite implements and offerings. The dynamics at work here are not unique to the renovations of the Svayambhūcaitya. Rather, other public religious functions, such as the annual festivals (*yātrā*) of deities, are similarly organized as communal events that serve to draw in and give a stake to many participants. An interesting example is the *samyak* festival celebrated in Kathmandu routinely every twelve years, and additionally when a sponsor comes forth (*aicchika samyak*). This festival is dedicated to the cult of the prehistorical Buddha Dīpaṃkara

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and serves the ritualized cultivation of generosity (*samyakdāna*). The people, traditionally led by the king, host Dīpaṃkara and the *saṃgha*. The food offered on this occasion is prepared and served collectively, with certain communities being in charge of supplying particular dishes and serving them. At the *aicchika samyak* celebrated in January 2002 (von Rospatt 2012: 232f.), the Śākyas of Itum Bāhāl were in charge of preparing and serving radish (*mūla*), the Tulādhars of Nyeta prepared and served rice, the traders of Itum (or of Jhocheṃ?) served molasses syrup, the sweet-makers of Joruchem contributed sweet meats, the Tulādhars of Asan provided stitched *sāl* leave plates (*lapte*) and the potters of Jyatha furnished clay saucers, while the Śākyas of Vaṃ Bāhāl distributed *ṭīkā* as a blessing. Vaidya's (1986: 120) treatment of the *samyak* cult bears out that the mentioned communities traditionally make these contributions to the *samyak* festivals of Kathmandu. He adds that Jyā Bāhāl, Nyakhacheṃ and Votu are in charge of rice porridge, and that the Kaṃsakārs of Keltol take care of (unspecified) further items. Though on a far lesser scale, this hereditary arrangement of sponsorship mirrors the traditional system in place for the renovations. Notable is again the absence of the Vajrācāryas (and also the Seṃgu Bares) as donors; they play a prominent role in the (*samyakdāna*) festival but only as recipients of *dāna*. The Śākyas, by contrast, feature both as donors and also as monastic recipients, which confirms their ambivalent status as both religious specialists and backbone of the donor community.

The pattern of communal sponsorship that can be witnessed here was operative on a much larger scale in the case of the renovations of the Svayambhūcaitya. They served as pivotal events around which the Buddhist community converged. This speaks against a facile comparison of the Nepalese material with the system of collective sponsorship recorded in inscriptions of ancient Indian *stūpas* such as Sanchi (Marshall et al. 1982) or Kanaganahalli (Nakanishi/von Hinüber 2014). For the inscriptions at these sites bear out that the donors were often private individuals or families and not communities. Moreover, whether individuals or communities, the donors were—despite a concentration of sponsors from Malwa in the case of Sanchi—spread far and wide, and they were not tightly connected and woven together into a single society as the donors of Kathmandu were. Nor is there any indication that their contributions entailed lasting obligations and were more than single acts of munificence. By contrast, the donors in the case of the Svayambhūcaitya were not single individuals and

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families but communities that were united—and that in an enduring manner—by the common project of renewing their most sacred shrine, i.e. Svayambhū, even while affirming at the same time their distinctness in terms of caste and locale. The web of interrelated obligations at work here is characteristic for the functioning of Newar society. They are not cast in legal code but grounded in precedent.

This helps to explain the keen sense of history that Newars traditionally have, and it explains the prominence of historical sources that record events such as the Svayambhū renovations, and also more quotidian affairs, in astonishing detail. As I have argued above, such sources are not only of historiographical interest but by recording donative and other acts that call for reenactment they can also assume a normative function. Moreover, they have the potential to serve as documents that can be produced if accused of misconduct or embezzlement. In the case of the Svayambhū chronicles, priests held accountable might produce them as documents attesting to the correct and timely performance of rituals, including the proper offering of (costly) animal sacrifices. In this way such sources engage with the past not only because of their intrinsic interest, but also, and maybe more so, because of their potential relevance for the present and future. More than royal chronicles and documents, it is such grassroot records that cast light on the functioning of society and the daily affairs of its members. It follows that we have to pay greater attention to these sources and that reading them carefully pays off in our endeavors to reconstruct the social history of the Newars, and to gain a better understanding of the structure and dynamics of premodern Newar society, an understanding that is all too often dependent upon the insights gained by anthropologists, who only have access to the present.

Abbreviations

New.	Newari
NGMPP	*Nepal-German Manuscript Preservation Project*
NS	Nepal Samvat
Skt.	Sanskrit
Tib.	Tibetan

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Chronicle 1. Thyāsaphū (NGMPP E 1874/2) with thirty folds. The texts records *inter alia* the renovation from the end of the 16th century (1591–1595, NS 711–715) and the renovation from the beginning of the 17th century. The matching inscription has been published by Vajrācārya and Nepāl (1954/55: 46–49) and D.R. Regmi (1966: 46–51, inscription no. 29).

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26 The present article draws upon an extensive study of further sources, for which see von Rospatt (forthcoming: bibliography).

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Networking Digital Documents

Christiane Sibille

Introduction

Humanities scholars working on web-based digital research projects often share common objectives: firstly, they want to identify entities in the sources, secondly, they want to connect the same entities within their whole corpus, and thirdly, they want to share and connect their results with other projects. In the latter point this is not only in order to gain a better visibility, but also to contribute to new forms of intellectual exchange and production of knowledge.

This article will outline possibilities for linking information about historical persons by focusing on initiatives that aim to clearly identify persons and their names in a standardized way. While so-called authority control is counted among the core competences of librarians and information scientists, the theoretical reflection and application of standardized data is rather new in the humanities, yet highly relevant. In the context of ideas about linked open data (Berners-Lee 2006) and to avoid the production of data cemeteries, the humanities have to deal with these questions to integrate their highly specialized and high-quality data into virtual networks. To outline these opportunities, the article is divided into two parts. The first reflects on the possibilities of connecting digital edition projects, and the second sketches the development of important initiatives for the identification of persons and names.

I argue that as linked data, digital editions become able to cross disciplinary borders and will connect formerly distinctive fields and areas with each other. We can achieve this by creating our data in a form that will open up active and passive connectivity. The crucial point is that the digital availability of editions means much more than a specific form of a print which is now available as a file on your electronic device. The crucial innovation does not happen on the level of

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the document itself, but on the level of the part of an edition which was formerly entitled "index". In the digital world, the index has come to life. Categories such as persons, topics and places now communicate with one another and are connected to similar groups in the World Wide Web. In the end, this form of digital information network can produce a global perspective on all kinds of sources. It is therefore crucial, not so much for technical reasons as for scientific reasons, to understand how indices initiate or avoid the form and content of this kind of global discussion.

In recent years, literature has reflected on the theoretical and practical implications of digital editions (Pierazzo 2015; Sahle 2013). This article uses the term "digital document" to describe a digitized historical document that was not born digital, but is now selected based on a scholarly decision, scanned and enriched with additional data, at least a defined set of metadata, but also transcriptions of the text. From this it follows that these documents have at least three levels: the physical document, the scanned facsimile of the physical document, and—on a third level—data that was created by scholars to describe the document/scanned image in a way that seemed to be useful in their research context. The first level, the physical document, was the object for generations of scholars during the last two centuries. As for the second level, questions of scanning and preserving digitized objects are today mainly discussed in the field of archival and heritage studies. It is on the third level, where questions about the content of the document, its description and preservation meet, that both groups, scholars and information technologists, should talk to and learn from each other, because the successful solution of possible issues and problems requires this specific kind of interdisciplinary dialogue.

The analogue production of scholarly works in the context of diplomatic studies developed varied approaches to make information on historical source material available. In the German-speaking countries, there were the great "full text" editions like the *Monumenta Germaniae Historica* (2016), regesta like the *Regesta Imperii* (2016), or even editions of selected key documents on certain political questions or events (Institut für Zeitgeschichte 2016). Transferred to the digital area, we can recognize the various techniques in the ways scholars explore the possibilities to add additional data to digitized documents. Even though Extensible Markup Language (XML), following the standard of the *Text Encoding Initiative* (TEI), has become the de-facto standard for the transcription of documents, there are various other

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ways to combine the parts of a digital document into a scholarly meaningful collection.

The *Diplomatic Documents of Switzerland* (2016), one of the earliest digital projects in the context of diplomatic documents, regularly puts about 2500 documents, covering a three year period, online. For each of these documents researchers have identified every person, organization and geographical name that is mentioned in the documents. But since the text of the scanned document itself is usually readable without problems, no transcription is provided. However, about 200 of these documents, especially those that summarize the main developments within the respective period, are manually transcribed and regularly published in printed volumes.

Although the success of TEI can partly be explained by its ability to incorporate the demands of a broad range of approaches, it would be utopian to hope for a common standard to handle digital documents, their transcriptions and metadata, especially in the context of digital humanities, which deal with highly heterogeneous source material (Schmidt 2014; TEI 2016).

Instead of arguing about which standard is superior, it seems more constructive to discuss possibilities for exchanging and connecting the digital results of our work and, by doing this, to define what could be our common interests and needs (Hodel/Sibille forthcoming 2018).

It is possible to differentiate between at least three forms of shared data. These three forms can be distinguished by the efforts a project is willing to invest in the formalization of data. Firstly, we can make available all our research data and enable other researchers to re-use our results when we have finished a project. For instance, a TEI edition from a historian that is encoded to describe the physical object and the historical content could be reused and enriched by a linguist with a stronger focus on semantic structure. Here the TEI standard is the basis on which other scholars can add an additional layer of information. However, this possible re-use has to be conceptualized from the start of a project (Barbera et al. 2013; Schmidt 2014: 6).

Secondly, we can expose our data, especially our metadata, to meta-engines like *europeana.eu*. *Europeana* is the cultural heritage platform of the European Union. It hosts the metadata of more than 50 million cultural items and connects collections from all over Europe. To share its metadata, a project has to format its data according to specific guidelines, set out by a data exchange scheme (Europeana.eu 2014). This means that there can be two versions of the data. On the

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one hand, there are the original data within the project, and on the other hand, the data that meet the standard of the meta-project. The added value lies in the increased visibility. Connected and findable with a large quantity of other data, users can discover content they did not know of and become aware of a wide range of collections and projects. However, to realize the problems of this strategy, it is sufficient to think about the question of multilingualism, different spellings, etc.

The third possibility is to explicitly connect data from a project with authority files or similar entities in other projects. This means the researcher reflects on standardization and the exchange of data as he or she is creating it. While this is still difficult for the assignment of intellectual concepts, it is especially possible with regard to persons, corporate bodies or places. Depending on the amount and quality of data, it can be done supported by automatized named entity recognition (Hooland et al. 2015) or manually, by looking up standardized identifiers for the respective entity (Barbera et al. 2013; Ciotti/Lana/Tomasi 2014; Eide 2014; Iglesia/Göbel 2014).

Name Authority Control and Agent Description in the Humanities

"The library community has been conducting name authority control for over a century" (Niu 2013: 404). When it comes to the standardized management of identities in the context of digital scholarly editions, we can build upon the experiences and the knowledge of librarians, archivists, and information scientists, who have been dealing with this problem for a long time. The following part of the article will focus on initiatives in the domain of standardized information about persons and their names. There are numerous initiatives for other entities, like the *Getty Thesaurus of Geographical Names* (Getty Research Institute 2016), or *GeoNames* (GeoNames 2016), to name but two from the domain of geographical references. In general, we can distinguish between projects that (a) act on a national level, (b) bring together national projects on an international level, and (c) are based on the collection of international projects and separated domain specific initiatives and interests.

The following case studies will represent these three levels. The first will focus on the German Integrated Authority File (Gemeinsame Normdatei, GND), the second on the Virtual International Authority

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File (VIAF), and the third on the International Standard Name Identifier (ISNI). A fourth case study, based on the Swiss project *Metagrid*, will discuss domain specific solutions that are able to integrate the data of the aforementioned projects. The following reflections have an intrinsically historical point of view and deal with historical persons. Discussions about researcher IDs, that are important for today's scholarly landscape, are excluded.

Gemeinsame Normdatei (GND)

The context of the creation of the Gemeinsame Normdatei (GND) and its predecessor shows the normative effects of technological changes. The implementation of new cataloguing techniques, especially the digital turn and the increasing use of Online Public Access Catalogues (OPAC), urged the stakeholders to reflect upon the introduction of common tools to ease the transformation of analogue to digital records, a kind of work that had to be done in the same way in almost all libraries. In the context of a retro-conversion project, the German Research Foundation recommended that all supported libraries use the newly created Personennamendatei (PND) (Fabian 1995: 604–605). To overcome the separation of distinct authority files for persons, corporate bodies, subject headings, etc., a project for a new consolidated authority file was launched in the late 2000s, the GND. Digital biographical and historical dictionaries were among the first projects to use the authority files to identify their entities on a second level. This was an important moment: the transformation of the former analogue and static index into an innovative tool for the digital networking of information. In 2005, the German version of *Wikipedia* established a cooperation with the German National Library to link articles about persons with the respective PND/GND (Geipel et al. 2013: 180). Moreover, the German Research Foundation continued its commitment for the adoption of the PND/GND. It recommended the application of PND/GND to all its funded projects and therewith actively supported its implementation outside the narrower field of libraries (Ebneth 2010: 47–51). Based on this broad dissemination, the community developed new tools to exchange information. Based on so-called Beacon files, it became possible for projects to retain their own IDs but be paired with the equivalent GND, using it as a common identifier to link to other projects. The standards of the Beacon format are described on https://

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gbv.github.io/beaconspec/beacon.html. At the moment (May 2016), about 450 of these Beacon sources provide about 7.6 million distinct identifiers on the website of the *Beacon-Findbuch* (http://beacon.findbuch.de/seealso/pnd-aks).

Virtual Authority File (VIAF)

The Virtual International Authority File (VIAF) collects and connects the authority files from numerous national libraries, specialized libraries and other data contributors. Today, it embodies not only information about persons and corporate bodies, but also works, expressions, meetings and geographical names (Angjeli/Mac Ewan/Boulet 2014: 2–3). The content of VIAF is connected to so-called clusters. These clusters contain entities that, based on an algorithmic calculation, are the same. This fully automated process reduces the workload that has to be invested in the curation of data. However, this approach also reduces the persistence of the dataset. If new or updated data are loaded into VIAF, it is possible that the mathematical plausibility for certain connections decreases and clusters will be merged or split. More generally, that means that a VIAF ID only addresses a specific cluster, but the content of this cluster, i.e. the entities that seem to be the same, are not stable (ibid.: 7).

While the VIAF clusters as assemblages of data provided by separate partners can be merged or split off, the data of each partner stay unchanged. That means that errors that are within the authority files are displayed as they have been sent to VIAF and it is not possible to change them by VIAF. They have to be corrected by the original data provider itself (ibid.: 10).

The plates below exemplify the functioning of VIAF. Plate 1 shows the standard view of a person entry with information about providing countries and institutions. Here it is the cluster with ID 32065073, that represents information about the American diplomat Elihu Root. Plate 2 represents a dataset that is not yet merged with ID 32065073, probably because another entity from the same provider is already connected to the same cluster. The Resource Description Framework (RDF) representation of another dataset—representing Harold Alexander—in the GND (plate 3)—as a typical example of a national VIAF provider—indicates all local modifications. In this case, it indicates that GND ID 171958489 was merged with GND ID 12257365X. This information is automatically corrected in VIAF (plate 4) and a redirect

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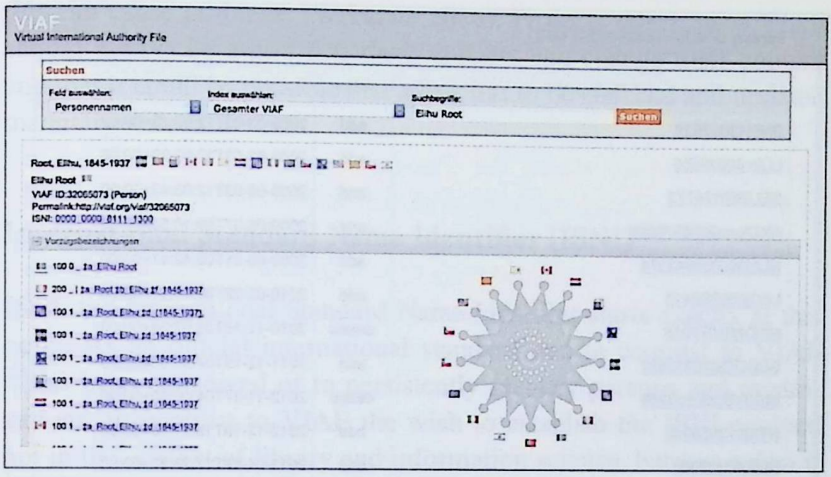

Plate 1: VIAF-Cluster of ID 32065073 (Elihu Root) with information about the data-providing countries and institutions (https://viaf.org/viaf/32065073).

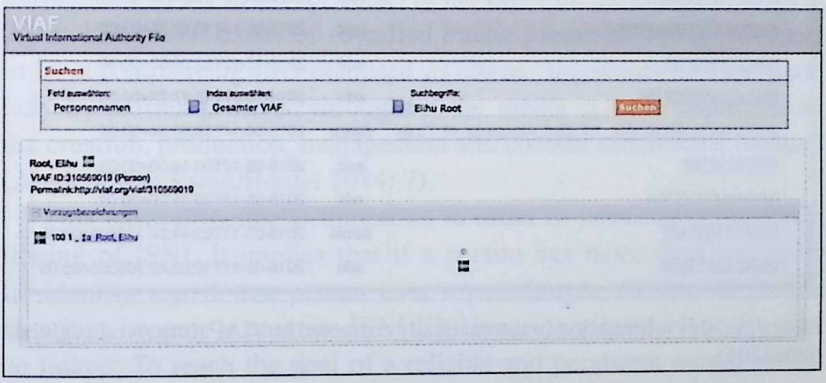

Plate 2: Dataset that is not yet merged with other data (http://viaf.org/viaf/310569019).

```
<http://d-nb.info/gnd/12257365X> a gndo:DifferentiatedPerson ;
    foaf:page <http://de.wikipedia.org/wiki/Harold_Alexander%2C_1._Earl_Alexander_of_Tunis> ;
    owl:sameAs <http://dbpedia.org/resource/Harold_Alexander,_1st_Earl_Alexander_of_Tunis> , <http://viaf.org/viaf/79137182> ;
    gndo:gndIdentifier "12257365X" ;
    gndo:oldAuthorityNumber "(DE-588)125839723" ;
    owl:sameAs <http://d-nb.info/gnd/125839723> ;
    dnbt:deprecatedUri "http://d-nb.info/gnd/125839723" ;
    gndo:oldAuthorityNumber "(DE-588a)125839723" ;
    owl:sameAs <http://d-nb.info/gnd/125839723> ;
    dnbt:deprecatedUri "http://d-nb.info/gnd/125839723" ;
    gndo:oldAuthorityNumber "(DE-588)1087760055" ;
    owl:sameAs <http://d-nb.info/gnd/1087760055> ;
    dnbt:deprecatedUri "http://d-nb.info/gnd/1087760055" ;
    gndo:oldAuthorityNumber "(DE-588)171958489" , "(DE-588a)171958489" , "(DE-588a)12257365X" , "(DE-588c)4617904-5" ;
```

Plate 3: When a dataset is merged by the provider—here the GND ID 171958489 was merged with ID 12257365X (http://d-nb.info/gnd/12257365X) …

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History of VIAF ID:69064291 (22)

Record ID	Action	Time
BNF|13012637	add	2009-03-03T12:03:23+00:00
LC|n 50038656	add	2009-03-03T12:03:29+00:00
SELIBR|174773	add	2009-03-03T12:03:42+00:00
NKC|pna2006370689	add	2009-05-07T09:10:55+00:00
NLA|000035942374	add	2009-08-21T09:42:41+00:00
LAC|0009B6413	add	2010-02-22T06:44:12+00:00
NII|DA04077018	delete	2010-11-16T05:07:56+00:00
SUDOC|070313687	add	2011-12-15T07:58:58+00:00
BIBSYS|x90953250	delete	2012-11-27T04:00:16+00:00
NTA|073958042	add	2012-12-19T19:11:18+00:00
NLI|000409308	add	2013-04-17T17:27:37+00:00
NLI|at|000409308	delete	2013-05-13T19:14:22+00:00
NLP|a16723673	add	2013-06-14T19:03:38+00:00
BAV|ADV12590677	add	2013-08-19T18:59:48+00:00
ISNI|0000000109125967	add	2013-09-16T16:15:07+00:00
NSK|000452769	add	2013-12-12T18:02:00+00:00
NUKAT|n 97002164	add	2014-10-27T16:17:29+00:00
WKP|Harold_Alexander,_1st_Earl_Alexander_of_Tunis	delete	2015-04-14T18:56:54+00:00
WKP|Q39168	add	2015-05-12T00:14:00+00:00
N6I|vtls000075104	add	2015-05-12T00:14:00+00:00
DNB|171958489	delete	2016-07-11T03:44:24.122600+00:00
DNB|12257365X	add	2016-07-11T10:53:42.709355+00:00

Plate 4: … this information is automatically corrected in VIAF (http://viaf.org/viaf/69064291).

is generated. However, it is rather difficult to follow entities that are split off from an existing cluster to another one, especially if the former cluster continues to exist.

By displaying all these data, VIAF offers the opportunity to have an overview of the diversity of information and to detect possible contradictions or errors (ibid.: 11–13). Problems that are generated on a local level, especially the existence of entities that cannot be differentiated due to lack of relevant information, such as date of birth or date of death, are thus also transferred to the VIAF level. On a practical level, these characteristics of VIAF should be considered if VIAF IDs are linked or used by a project. Referring to a VIAF ID means referring to a cluster of automatically assembled information from diverse data providers. Especially in the context of other big data projects,

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this can cause problems (Wikidata 2016). Projects referring to VIAF should always be aware that these clusters can change their content and that it could be possible that a link has to be checked and updated manually.

International Standard Name Identifier (ISNI)

ISNI, the International Standard Name Identifier starts exactly at this point. As an official international standard and in contrast to VIAF, it has been conceived of to persistently identify persons and organizations. In contrast to VIAF, the wish to establish the ISNI evolved not in the context of library and information science, but was a desideratum of industrial stakeholders to facilitate the rights management for creative works (ISNI 2016). It complements other international norms, such as the ISBN for books or the ISSN for periodicals (Angjeli 2012: 101). ISNI exists of so-called Public Identities that are defined in its accompanying ISO-Standard 27729 as "the identities used publicly by parties involved throughout the media content industries in the creation, production, management and content distribution chains" (Angjeli/Mac Ewan/Boulet 2014: 7).

This basic principle is important in order to understand the functioning of ISNI. It implies that if a person has more than one public identity, e.g. if that person uses a pseudonym, all known public identities become a separate ISNI ID. However, related identities can be linked. To reach the goal of a reliable and persistent management of identifiers appropriate to an international standard, ISNI actively works with its data. This administration of content influences the way data are handled. While in VIAF, the data from the providers remain stable, ISNI has decided to actively maintain and modify it. In addition, so-called undifferentiated data that do not provide enough information to clearly identify a person are not assigned with an ISNI ID.

Historical projects planning to use ISNI as a possible reference should be aware that its focus is on the contemporary media content industry. There is no information available about the effort the project spends on the maintenance of historical data. Moreover, since ISNI is nevertheless integrated in the continued exchange of data and information, it can also contain wrong datasets. To address this problem, ISNI has its own messaging system to data providers to inform them about "assignments, merges, splits and deletions" (ibid.: 14).

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Metagrid

While GND and VIAF have evolved in the context of libraries and ISNI serves first and foremost as a commercial tool, *Metagrid* was developed directly within the humanities community based on the first-hand experiences of daily work with historical information about persons. It is a project of the Swiss Academy of Humanities and Social Sciences for the online networking of humanities resources. It is implemented by the *Diplomatic Documents of Switzerland*, with the support of the *Historical Dictionary of Switzerland*. Conceived of as a web service, *Metagrid* makes it possible to set up, administrate and analyze links between identical entities from different websites and databases. In contrast to the aforementioned projects, which primarily aim at the creation of a normative dataset (GND), the collection and managing of existing authority files (VIAF) or the creation of persistent identifiers (ISNI), *Metagrid* wants to facilitate the handling of links between research projects and galleries, libraries, archives, museums (GLAM) and institutions. Traditional link connections from A → B operate on a unilateral basis only and it is the user of web page A alone who benefits from the connection. *Metagrid* generates multilateral link connections between A and B, through which the user is able to switch back and forth between web pages A and B with the help of a widget.

The *Metagrid* webservice collects the specific URL and the distinct ID of a person in a central archive. Whenever a match is detected, the entity's corresponding IDs from both participating projects are equated. Comparable to VIAF, every participating project retains full control of its own data, because at its core, *Metagrid* stores only the information about corresponding IDs. With this approach, the *Metagrid* partners can benefit from the specific knowledge of the other participating projects and avoid the multiplication of the same work done by every project.

The additional value of *Metagrid* (plate 5) can best be explained with a practical example. In the database of the *Diplomatic Documents of Switzerland* (dodis.ch), we can find some basic information about Elihu Root, because he is mentioned in some documents (plate 6). Thanks to *Metagrid* it is possible to link up with the website of the Office of the Historian of the U.S. Department of State, that provides detailed information about his biography (plate 7). You see that he was Secretary of State from July 1905 until January 1909 and that he was awarded the Nobel Peace Prize in 1912 (several years after he was Secretary of State) for his work on international arbitration. From

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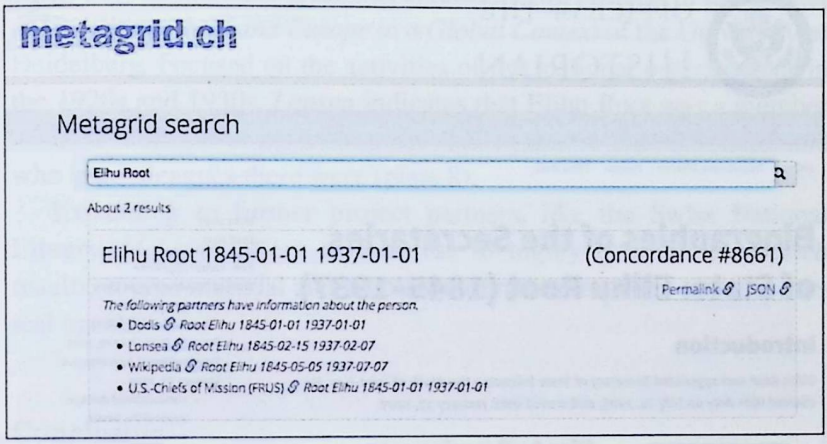

Plate 5: Metagrid search is an interface to search all data in *Metagrid* (http://www.metagrid.ch/metagrid_search/#/concordance/8661.html).

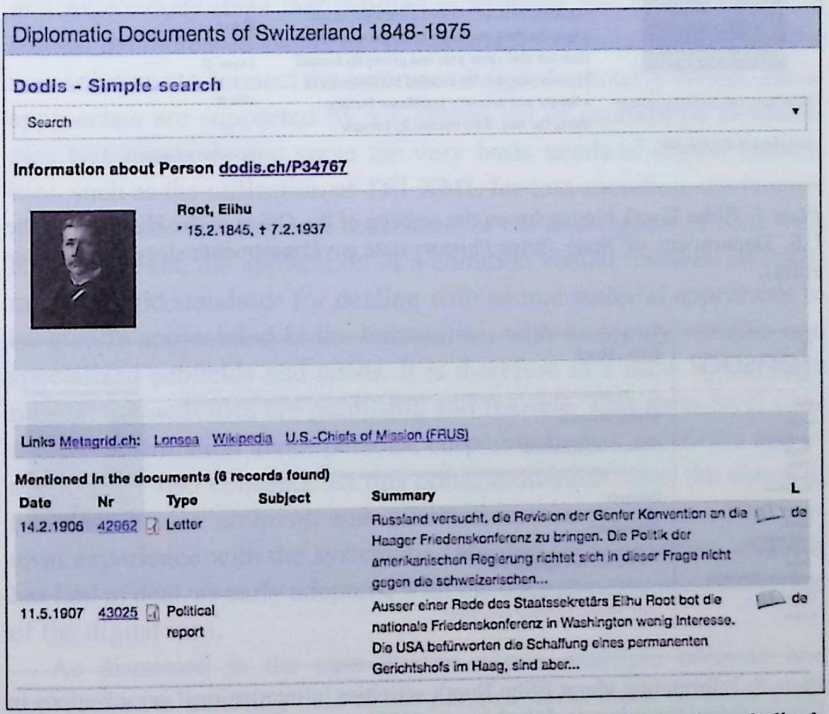

Plate 6: Information about Eliuh Root's diplomatic activities in the database dodis.ch (http://dodis.ch/P34767).

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Biographies of the Secretaries of State: Elihu Root (1845–1937)

Introduction

Elihu Root was appointed Secretary of State following the death of John Hay. He entered into duty on July 19, 1905, and served until January 27, 1909.

Elihu Root, 38th Secretary of State

Rise to Prominence

Root was born in Clinton, New York in 1845 to a mathematics professor at Hamilton College, where Root also studied. The future Secretary of State received a bachelor of law degree in 1867. Root was admitted to the New York bar that same year and promptly formed his own practice. He excelled in his career as a lawyer and earned a significant fortune along the way. Root eventually became president of the U.S. Bar.

Born 1845
Died 1937

Non-career appointee
State of Residence: New York
1. Secretary of State
Appointed: July 7, 1905
Entry on Duty: July 19, 1905
Termination of Appointment: January 27, 1909
- *Commissioned during a recess of the Senate; recommissioned after confirmation on Dec 6, 1905.*

LINKS FROM METAGRID.CH (BETA)

DDS

Lonsea

GND

DEPARTMENT HISTORY

Plate 7: Elihu Root's biography on the website of the Office of the Historian of the U.S. Department of State (https://history.state.gov/departmenthistory/people/root-elihu).

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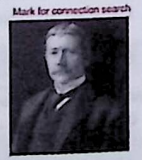
Start
Search
Organisations
People
Places
Topics
Connections
Visualize
Network
Organisation Arc
Country Matrix
Charts
Congresses (via VisualEyes)
Bibliography
Contact

Elihu Root

♂ • 15/2/1845 (in Clinton, New York, United States of America) † 7/2/1937 (in New York, United States of America)

Nationality: US-American

Mark for connection search



Roles in Organisations

- Institut des Hautes Études Internationales : Member of a Committee (1921-1922)

Delegate

Residences

- Clinton, New York, United States of America
- New York, United States of America

Links from Metagrid.ch

Dodis | Wikipedia | U.S.-Chiefs of Mission (FRUS)

Plate 8: Information about Elihu Root's activities in international organizations in Lonsea (http://www.lonsea.de/pub/person/456).

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the Office of the Historian's website you can continue to *Lonsea*, the *League of Nations Search Engine*, created by two projects of the Cluster of Excellence *Asia and Europe in a Global Context* of the University of Heidelberg. Focused on the activities of international organizations in the 1920s and 1930s, *Lonsea* indicates that Elihu Root was a member of the Committee of the Institut des Hautes Études Internationales and who his colleagues there were (plate 8).

Expanding to further project partners, like the Swiss National Library, *Metagrid* offers easy access to highly qualitative research results, source material and scholarly literature from and about historical agents.

Conclusion

The digital turn in the humanities has reached a new level. After a first exploratory stage that resulted in valuable, but mostly separated results, the increased awareness of the benefits of linked data called for new solutions to connect the outcome of digital scholarly efforts. These approaches are supported by a common set of established technologies and standards that serve the very basic needs of digital humanities, such as the utilization of TEI-XML for text encoding, the storage of information in relational databases, or the description of data with RDF. However, the application of a common virtual research environment or rigid standards for dealing with source material appear not to be greatly appreciated in the humanities, with its highly variable and specialized subfields and needs. It is therefore at a meta-level where networking activities are promising and feasible. This meta-level consists of information about persons, corporate bodies, locations, and in some cases also concepts. At this point, humanists enter the classical field of libraries, archives, and information science, a field with long-term experience with the systematic indexing of its holdings, and that has had to deal, as early adopters, with the opportunities and challenges of the digital turn.

As discussed in the case studies above, multiple projects and approaches to handling data about persons exist. Each of these projects has its advantages and disadvantages, and digital humanities projects should decide what fits their needs best. The case of the GND has shown that the support of funding agencies can regulate the integration of data interchange. Moreover, cooperation with external players such

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as *Wikipedia* can boost the acceptance and application of standards and technologies. On an international level, VIAF tries to bring together the authority files from national providers and connects them automatically. Here, the language independence of numerical identifiers for persons with a broad variety of possible names is best visible. However, the federative philosophy of VIAF, which does not interfere with the data provided, brings with it a certain instability concerning the content of VIAF clusters. With its explicit goal of persistently identifying persons in a long-term perspective, ISNI tries to overcome this deficit of VIAF, at least for contemporary entities.

From a methodological point of view, we have to be aware that all these initiatives are based in the broader context of libraries. This means that historical persons who had a public visibility in the past, be it for example by writing a book, composing a piece of music or creating a work of art, might be overrepresented. Depending on the research question, it is possible that only a negligible proportion of people is recorded in a national authority file, VIAF or ISNI. In these cases, it is important that projects try to maintain their data as best as possible and to manage their own persistent IDs. The example of *Metagrid* shows that research communities can create their own infrastructures to serve their specific needs. In a technological context, that fosters the idea of linked open data.

The main methodological question as a result is whether a research project wants to refer to a centralized authority to persistently identify a person as exactly this person, or whether a project wants to connect with other projects to gain more visibility and to share the results of its research. In the latter case, established initiatives such as GND, VIAF or ISNI are dealt with like other research projects and connected, if a match is possible. The future will show whether there will still be a need for the central organization of authority control, or whether the possibilities of the semantic web will foster direct connections between similar entities. The best way each project can prepare for this future is to carefully maintain its own data and to be open for new developments.

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Abbreviations

GLAM	Galleries, libraries, archives, museums
GND	Gemeinsame Normdatei (German Integrated Authority File)
ISBN	International Standard Book Number
ISNI	Internationale Standard Name Identifier
ISO	International Organization for Standardization
ISSN	International Standard Serial Number
OPAC	Online Public Access Catalogues
PND	Personennamendatei
RDF	Resource Description Framework
TEI	*Text Encoding Initiative*
URL	Uniform Resource Locator
VIAF	Virtual International Authority File
XML	Extensible Markup Language

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Poet Vaṃśamaṇi Pays off His Share in the Father's Debt: A 17th-Century Debt-Clearance Certificate from Mithilā

Diwakar Acharya

Introduction

Manuscripts usually provide—besides literary texts they transmit—a wealth of information about the journey of those texts, their reception and transmission in the society of their production and use. Manuscripts contain important information not only in their colophons but also in chapter colophons, extra notes, and also on title pages and appended folios. They occasionally tell stories of their owners and scribes, their migration, socio-religious connections, intellectuality, and even feelings, and thus, may hint at the social, cultural and intellectual conditions of the time they were written and used in.

Without manuscript colophons no mediaeval history of Nepal could have been written. Chronicles definitely serve the purpose but they only record major events and even those records need scrutiny and verification. In the past, historians of mediaeval Nepal have used manuscript colophons basically to prepare chronologies and genealogies. We can take Luciano Petech's *Mediaeval History of Nepal* as the best representative of this line of history-writing. Petech (1984: 3) himself admits in the introduction of his book that he presents "a rather old-fashioned history-writing" that has to do with "dynasties, kings, wars, chronological problems etc." According to him, "only those colophons which mention date and name of the king are useful" for the purpose of history-writing, and only these he has "collected and utilized" (ibid.: 9) for his work. Following the same principle, Hariram Joshi collected more colophons in his 1991 book entitled *Medieval Colophons*, but hardly anybody has paid attention to chapter colophons, additional notes, and

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other similar records found in many manuscripts, although they are important for social, religious, and cultural history.

The notion of history, nonetheless, is gradually changing also in Nepalese historiography. History is now understood not merely as a dynastic or political history but a multi-dimensional phenomenon encompassing accounts of all walks of life, all representatives of the society: its authors, builders, tillers, lenders and borrowers, farmers and traders, and its heroes and villains. Further, historians have begun to pay attention to the interconnections of different communities and societies. Nepal has preserved an enormous wealth of documents and manuscripts that contain information needed to write this type of comprehensive history. It is therefore possible to produce this kind of history of Nepal, particularly of the modern, early modern, and premodern periods.

In this paper I am going to present a 17th-century debt-clearance certificate written in Mithilā in Maithili script but preserved in the National Archives, Kathmandu (NAK). This rare and interesting document given to Mahopādhyāya Vaṃśamaṇi is appended to a 17th century manuscript of a Sanskrit work he copied in Lakṣmaṇa Saṃvat 496, perhaps for his own use.[1] There are two extra folios inserted in the beginning of this manuscript. On the verso of the first of these folios Rudradhara's *Puṣpamālā*, a short text on the choice of flowers for different deities,[2] begins but on the recto of this folio a debt-clearance certificate is written in a different hand. Obviously, Vaṃśamaṇi was a staunch utilitarian who used the back of his debt-clearance certificate to begin a new text. This certificate provided by two ladies called Ratnāvatīdevī and Vacchalādevī states that the two ladies received the share Vaṃśamaṇi had in his father's debt and cleared him from the debt and the accumulated interest (plate 1). The certificate reads:

1 This manuscript of a Mīmāṃsā text entitled *Adhikaraṇamālā* bearing NAK Accession No. 5-325 can be found in NGMPP A 34/4. Vaṃśamaṇi copied it in the month of Āśvina, Lakṣmaṇa Saṃvat 496 (equivalent to 1619 CE), almost ten years before the date of the debt-clearance certificate.

2 A transcription of this text can be found in Zotter (2013: 386–387). For an analysis of the content of the *Puṣpamālā* and some reflections on the identity of its author Rudradhara, see ibid.: 282–283. Zotter's transcription is based on two other manuscripts microfilmed by the NGMPP. Apparently, she was not then aware of this manuscript.

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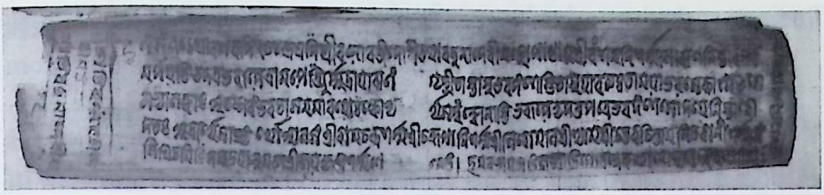

Plate 1: Vaṃśamaṇi's debt-clearance certificate; NAK acc. no. 5-325, microfilmed as NGMPP A 34/4; © National Archives, Nepal.

[1] *lasaṃ 506 śrāvaṇabadi 2 candre edi śrīratnāvatīdevī tathā vacchalādevī mahopādhyāyaśrīvaṃśamaṇiśarmmaṇe* <|>[3] *ṛṇanistāra-ṇapatra*[2]*m arpayati tad atra bhavatpitrā matpa{i} ttyur mmudrā yā ṛṇaṃ gṛhītās tāsu bhavadaṃśe [']sti*[4] *{tāsu} yāvatyaḥ tā mayā bhavatsakāśāt sa*[3]*labhyā labdhāḥ ataṣ paraṃ bhavatā samaṃ āvayo{ḥ}ṣ ko [']py arthasambandho nāsti bhavatpitṛdattapatre bhavadaṃśe sodaye nistāro* [4] *dattaḥ atrārtthe sākṣyaṃ (khau)ālasaṃ śrīrāmacandraśarmma-śrīcakrapāṇiśarmma-śrīśiromaṇi-śrīśyāma-śrīcaturacintāmaṇi-bhavāniśarmmāṇaḥ* [5] *likhitam i{tī}dam ubhayā-numatyā śrījayakṛṣṇaśarmmaṇe<ne>ti | hamara bhāya iti i jñāti-gotraje ka(tyo)no ācchedabarase mithyā* [the line continues in the right margin] *†ha(me) nivebhi(śā)†*

[In the left margin in four short lines:] *iti ratnāvatīdevī-mataṃ*
iti vacchalādevīma-taṃ

Lakṣmaṇa Saṃvat 506 (+1123=1629 CE[5]), Monday the second of the dark half of Śrāvaṇa. On this day, Śrī Ratnāvatī Devī and Vacchalā Devī offer [this] debt-clearance certificate to Mahopādhyāya Vaṃśamaṇi Śarmā. On this matter, as much is your share in the amount of cash your father accepted as a debt from our husband, so much I have received from you together with the interest to be received. From now on, we two do not have any financial relation with you. On the bond your father had submitted, we have

3 An *akṣara* the scribe has cancelled is placed inside curly braces {}, the one I cancelled in the editorial process is inside angular brackets <...>, and the one I read unclearly or uncertainly is inside parenthesis (...). In the end of the document I have placed between two cruxes a few *akṣaras* I am unable to interpret.

4 *asti* for *santi*; the scribe apparently is confused here. After *asti* he has written and canceled *tāsu*.

5 For the basis of this conversion of Lakṣmaṇa Saṃvat, see below p. 219.

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written a statement of clearance concerning your share in the debt and the increment (*udaya*). Witnesses in this are these people from Khauāla: Śrī Rāmacandra Śarmā, Śrī Cakrapāṇi Śarmā, Śrī Śiromaṇi, Śrī Śyāma, Śrī Caturacintāmaṇi, and Bhavānī Śarmā. This document is written by Śrī Jayakṛṣṇa Śarmā with the consent of both [parties]. Finis.

Any implication or claim made by anyone among the relatives and kinsmen stating, "he is our brother," will be invalid; †*ha*(*me*) *nivebhi*(*śā*)†.

Thus approved by Ratnāvatī Devī. Thus approved by Vacchalā Devī.

Poet Vaṃśamaṇi's Presence in Mithilā and the Nepal Valley

We know that Mahopādhyāya Vaṃśamaṇi was a poet writing in Sanskrit and Maithili who first worked for King Jagajjyotir Malla of Bhaktapur and later, after his demise, for King Pratāpa Malla of Kathmandu. The following literary works of this poet have survived:

1. The *Harikelimahākāvya*, an epic poem on Kṛṣṇa's story, already published from Nepal Sanskrit University;[6]
2. the *Durgāvijayaḍima*, a heroic play describing Durgā's victory over demons;[7]
3. the *Gītadigambara*, a melodrama dwelling on Śiva's story which was staged on the occasion of Pratāpa Malla's *tulādāna*[8] in NS 770 (1650 CE);[9]
4. the *Vṛttamahārṇava*, a work on Sanskrit prosody, which survives only in an incomplete manuscript;[10]
5. the *Caturaṅgataraṅgiṇī*, a work on the Indian chess play;[11]

6 For bibliographical details, see Dhakal 1995.
7 NAK Accession No. 1-1075, NGMPP A 19/10, incomplete.
8 A ritual gift of gold and other important items equal to a man's weight is called *tulādāna*. It is called so because during this ritual the performer mounts a scale (*tulā*) to weigh himself against the items prepared for charity. This royal ceremony was so popular among the royals that even Humayun, Akbar, and his descendants had included it in their birthday ceremonies. For some details, see Eraly 2007: 71–72.
9 NAK Accession No. 1-382, NGMPP B 15/9.
10 NAK Accession No. 5-7971, NGMPP A 20/13.
11 NAK Accession No. 1-1612, NGMPP A 314/20.

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6. an extensive commentary on the *Saṅgītabhāskara* which is ascribed jointly to Vaṃśamaṇi and King Jagajjyotir Malla[12] and
7. the *Nalacaritanāṭaka*, a Maithili language melodrama, composed in the early years of the reign of Kathmandu King Bhūpālendra Malla (1687–1700).[13]

Besides these works, there are a number of manuscripts now preserved in the National Archives, Kathmandu, which were apparently copied by Vaṃśamaṇi perhaps for his own use. At the end of many of these manuscripts he has added one or two verses of his composition.[14]

From the benedictory and epilogue verses of his works, we know that Vaṃśamaṇi came from Mithilā, belonged to the clan of Bilvapañca (Belauñca) Bhāradvāja Brahmans, and his father and mother were named Rāmacandra and Jayamati respectively.[15] From the texts

12 NAK Accession No. 2-222, NGMPP B 288/27.

13 NAK Accession No. 4-967, NGMPP B 314/22. Veni Madhav Dhakal who edited the *Harikelimahākāvya* does not know about the *Durgāvijayaḍima*, *Vṛttamahārṇa*, and *Nalacaritanāṭaka*. Therefore, he lists the other four as confirmed works of Vaṃśamaṇi (Dhakal 1995: 7–8). It is highly probable that Vaṃśamaṇi composed more works. I agree with the suggestion that some works attributed to King Jagajjyotir Malla, particularly those in which Vaṃśamaṇi is mentioned as the reviser such as *Dīpikā* on the *Narapatijayacaryāsvarodaya* (copied in Śaka 1539/Lakṣmaṇa Saṃvat 494), might have been compositions of Vaṃśamaṇi. Similarly, Vaṃśamaṇi might have been fully or partially responsible for the Maithili plays attributed to the same king. Dhakal (1995: 9) discards this possibility on the ground that there is no concrete proof. I would even suspect that some of the eulogies to the temple deities of Kathmandu, found in the inscriptions of King Pratāpa Malla and ascribed to him, may have been Vaṃśamaṇi's compositions. Ramavatar Yadav (2011) suggests that the *Nalacaritanāṭaka* can be a composition of King Jagajjyotir Malla, but we cannot ignore the fact that songs in this text embed Vaṃśamaṇi's name (for such a song, but in translation, see Chaudhary 2010: 108–109). Further, a manuscript (NGMPP B 22/1) of a commentary on the *Śivagītā* in the handwriting of Vaṃśamaṇi has been found. The colophon merely records that Vaṃśamaṇi "wrote" it, but does not formally attribute its composition to anybody. So, it is not sure whether Vaṃśamaṇi is the scribe or the author of this commentary.

14 Here is an example of such a verse from the end of the *Śivagītāṭīkā* (NGMPP B 22/1, fol. 168v):

kīrṇṇāḥ kvāpi jaṭāḥ kvacid bhasitam apy asti kvacit kutracit
khaṇḍenduḥ kvacid aibhacarmma ḍamaruḥ kvāpi triśūlaṃ kvacit |
itthaṃ gīrṇṇahalāhale 'tivikale gaurībhujālambini
sthāṇau gāruḍamantratantrakaraṇavyagrā gaṇāḥ pāntu vaḥ ||
avatu vo girisutā | śaśibhṛtaḥ priyatamā ||

Matted hairs are to one side and smeared ashes to the other. Somewhere in one corner lies the crescent moon and in another corner the elephant hide. His drum is in one corner and his trident in another. As Śiva has thus drunk the Halāhala poison, become extremely ill, and fallen on the arms of Gaurī, may his troops protect you who are now eager to apply on him the mantras and tantric procedures of the Gāruḍa tradition. May the daughter of the Himalaya Mountain protect you, the dearest of the moon-bearer.

15 Cf. Dhakal 1995: 3.

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he copied we also know that he was interested in Sanskrit literature, particularly drama, prosody, Jyautiṣa, Mīmāṃsā, and also Vedānta, but beyond this point we do not know anything about Vaṃśamaṇi's family and standing in the society. The document I presented here adds an interesting detail to this information and raises a few questions.

Scholars identify Vaṃśamaṇi's father Rāmacandra as the author of the *Kāśīvijaya* and *Pārijātaharaṇa*, which were composed during the reign of Bhaktapur King Tribhuvana Malla (r. 1561–1613).[16] Dhakal (1995: introduction, p. 5) mentions in his edition of the *Harikelimahākāvya* that no original work of Vaṃśamaṇi's father Rāmacandra could be found. But recently, Rajit Bahadur Shrestha has located and published the *Kāśīvijaya*, a melodrama with 120 songs. Although the author does not mention his name anywhere in the prologue or epilogue, he does mention his own name along with his sponsor King Tribhuvana Malla,[17] from Song 21 down to the last. Both of Rāmacandra's short plays are composed in Maithili and Newari, and so it can be guessed that his mother tongue was Maithili.[18] Thus, the time, name, and language of this Rāmacandra match with those of Vaṃśamaṇi's father. Vaṃśamaṇi praises his father as a scholar well versed in various systems of knowledge[19] but it is doubtful how much truth is there in this statement. Although it is not certain, because the name Rāmacandra is very common, there is still a good possibility that this Rāmacandra is Vaṃśamaṇi's father. Unlike Vaṃśamaṇi's, no autograph of Rāmacandra

16 For regnal periods of all Malla kings mentioned in this paper, see Slusser 1982: 397–401.

17 The author of this *nāṭaka* calls himself Vipra Rāmacandra.

18 To compose passages in Newari language, he might have received assistance from some local scholar, or the king himself. But it is also conceivable that Rāmacandra himself had learnt the language after coming into contact with the Newar culture of Kathmandu Valley.

19 *Durgāvijayaḍima* fol. 2v4–5:
nirddoṣo koṣavṛnde naṭati paṭutayā nāṭako nāṭake 'pi
nyāye vaiśeṣike 'pi(unmetrical) *vilasati saviśeṣaiś ca sāṃkhye 'pi yuktyā* |
gadye padye 'tihṛdye sahṛdayahṛdayānandinī yasya buddhir
jātaḥ śrībilvapañcābhidhasajaladhau candramā rāmacandraḥ ||
tasya putro jaganmitram amitragagagāmbujaḥ |
dhīro vaṃśamaṇiś cakre durgāvijayarūpakaṃ ||
He is flawless in [his command of] lexicons. He is an actor and acts skillfully when it comes to dramas. In [the realms of] Nyāya, Vaiśeṣika, and specially Sāṃkhya, he shines forth with his argument. His mind works well in both prose and poetry, which are excessively pleasant, and causes delight to the heart of the connoisseur. Such a person, Rāmacandra, a moon among men, was born here in this ocean-like place called Bilvapañca. His son Vaṃśamaṇi, a friend of the whole world and a sky-lotus for non-friends, composed this play named "The Victory of Durgā" (*Durgāvijaya*).

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has been found, nor any detail of the events of his lifetime. On the other hand, Vaṃśamaṇi does not appear in the scenario in the lifetime of Tribhuvana Malla, but only after four years of his demise in 1617, Vaṃśamaṇi completes the task of composing and copying a commentary on the *Narapatijayacaryāsvarodaya* for his successor, King Jagajjyotir Malla (r. 1614–1637). So, only as a working hypothesis we can accept this Rāmacandra and Vaṃśamaṇi as father and son tied closely to these two kings of Bhaktapur.

This document is dated in Lakṣmaṇa Saṃvat and normally it is difficult to convert a date in this Saṃvat, because the counting of this Saṃvat differs in different traditions and time periods. Pant has listed "15 different traditions regarding, its beginning clustered within a span of 27 years falling between 1104–1130" (Pant 1997: 159–160). Nevertheless, this uncertainty does not bother us, because Vaṃśamaṇi himself writes in the colophon of the *Narapatijayacaryāsvarodayaṭīkā* that he finished the task, either copying or composition of the *ṭīkā*, for Jagajjyotir Malla in Śaka 1539 and also gives the corresponding Lakṣmaṇa Saṃvat 494. This means that in Vaṃśamaṇi's time Śaka and Lakṣmaṇa Saṃvat were 1045 years apart. Therefore, if we add 1123 to the year in this document we can get its equivalent in the Common Era. Thus, it is sure that Vaṃśamaṇi paid off his debt in 1629 CE. Vaṃśamaṇi was already working for Jagajjyotir Malla in 1617, but he needed a long time, 12 more years, to save enough money to pay off his share in the father's debt and its interest. This suggests that the undisclosed amount his father borrowed was not small, and/or the reward he received from Jagajjyotir Malla was not handsome. However, we cannot rule out that some other factors like dispute over the terms of payment had delayed the payment.

For many years Vaṃśamaṇi worked for Jagajjyotir Malla (r. 1614–1637) in Bhaktapur; in many of his works he praises Jagajjyotir Malla. But obviously after the demise of his patron he left Bhaktapur and joined the Kathmandu King Pratāpa Malla (r. 1641–1674) and appears to be still alive in the early years of the reign of Bhūpālendra Malla (r. 1687–1700) to compose the *Nalacaritanāṭaka*.[20] It seems that pref-

20 Cf. Chaudhary 2010: 108–109. He cites a song allegedly from the *Nalacaritanāṭaka* in translation which includes Vaṃśamaṇi's name and reads thus,
"The sweet night is passing away
O, give up your unreasonable obstinacy.
Poet Vamsamani sing the song,
For who does not love to make such a request."

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erences of Nareśa Malla (r. 1637–1644), the new king of Bhaktapur, were different than those of his predecessor.

This document was prepared and signed in Khauāla. I am unable to identify this village but do not think that a place of this name or anything closer existed in the Kathmandu Valley. The document is written in Sanskrit and Maithili language using Maithili script, and all witnesses mentioned in this document are Brahmans. There is a good possibility that Khauāl is the place where his father received debt, and also that this is the place where he raised his family, although Vaṃśamaṇi records in his *Harikelimahākāvya* that Bilvapañca/Belauñci was the ancestral place of his family.[21] But it is not necessary that Vaṃśamaṇi or his father were still living in the ancestral place. In any case, this document implies that Vaṃśamaṇi's connection with Mithilā was not broken even when he was working for the Bhaktapur King. It is very likely that his family was not fully settled in the Kathmandu Valley. Perhaps, Vaṃśamaṇi occasionally visited Bhaktapur for a few days or weeks to receive his assignments and deliver them, otherwise lived in Mithilā. It is at least sure that his connections and relations were in Mithilā and perhaps he owned properties there. At this point, we can also ask why and when Vaṃśamaṇi's father, if he is the same Rāmacandra working for the Bhaktapur king Tribhuvana Malla, borrowed money in Mithilā. Is it possible that he had a financial crisis and for this reason he worked for the Bhaktapur king?

Classical Texts on Debt-Clearance

This certificate, though quite short, provides an example of inheritance of the father's debt and its repayment. The husband of Ratnāvatīdevī and Vacchalādevī had lend an undisclosed amount of money to Vaṃśamaṇi's father, and after the death of both the creditor and borrower, one of the borrower's son Vaṃśamaṇi paid off his share in the father's debt together with its interest. Dharmaśāstra texts speak of "the pious obligation of the son to pay off his father's debts even if he

21 Maithili Brahmans name Belauch and Ekhara as the original places of Jhā Brahmans of the Bhāradvāja clan. Dhakal (1995: 3) and Yogesh Raj (personal communication) inform that Lekhnath Mishra has published an article about Vaṃśamaṇi Jhā in a local journal called *Mithilā Bhāratī* (1969, no. 1.3–4, as Yogesh Raj personally communicated) which contains the genealogy of Vaṃśamaṇi according to the Brahman family Pañjis. Unfortunately, I am unable to locate this publication.

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received no property from the father," because a debtor who has not repaid his debts "may be born as a slave, a servant, a woman or a beast in the house of his creditor"[22] (Kane 1993: 417). Either all brothers are living in a joint family or separated, they have to share the debt in accordance with their respective share in the father's property,[23] or that person who is in charge of the joint family should arrange the repayment (*Nāradasmṛti*, *vyavahārapada* 1.2). As an educated *paṇḍita*, Vaṃśamaṇi must have felt the pressure induced by such statements of Dharmaśāstra texts. We do not know whether Vaṃśamaṇi received any property from his father or not but he paid off his share in the debt with its interest. Let me remind the reader that according to the Dharmaśāstra texts not only the son but also grandson is liable to pay the ancestral debt. As Kane reports, "[e]ven when no ancestral estate was taken by the descendants the son was liable to pay his father's debts with interest, grandson without" (Kane 1993: 444), but with the fourth generation liability for a debt ceases completely (*Nāradasmṛti*, *vyavahārapada* 1.4). All this can be found in the *Nāradasmṛti*, a text popular in the Kathmandu Valley, perhaps already since late Licchavi period. Moreover, Bṛhaspati recommends that the father's debt must be paid before paying one's own debt (Kane 1993: 445). Our document does not tell how big was the amount Vaṃśamaṇi's father borrowed and at what rate the interest was charged. Dharmaśāstras tell that an 80th part of the borrowed sum per month that amounts to 15 percent per annum is regarded as the ideal rate of interest (ibid.: 418). But in practice, it might have been higher.

Vaṃśamaṇi's clearance certificate mentions the bond signed by his father at the time of borrowing. According to the classical legal norms, the borrower should provide the creditor a signed document, and when the debt is cleared together with interest, the creditor should tear off or return the original bond (*Nāradasmṛti*, *vyavahārapada* 1.101–102, Kane 1993: 442). But if the debt is paid in installments, the creditor must write on the back of the bond the sums he received from the borrower in different dates. The creditor should also sign a receipt and give it to the borrower. The document published here is an example of such

22 *Kātyāyanasmṛti* 551 and 591 (as cited in Kane 1993: 417 n. 676): *pitṝṇāṃ sūnubhir jātair dānenaivādhamād ṛṇāt | vimokṣas tu yatas tasmād icchanti pitaraḥ sutān || uddhārādikam ādāya svāmine na dadāti yaḥ | sa tasya dāso bhṛtyaḥ strīḥ paśur vā jāyate gṛhe ||*

23 If taken for the sake of the whole family, even a debt of a paternal uncle, mother, or brother should by paid by the heirs (*Nāradasmṛti*, *vyavahārapada* 1.3).

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a document, and it mentions the original document of debt submitted by the borrower, which clearly remains with the family of the creditor until the debt is fully paid. I am sure that a case like Vaṃśamaṇi's was a common phenomenon although it is not discussed separately in the Dharmaśāstras. We can imagine that this case, too, is covered in the category of repayment in instalments. In ordinary situation, the creditor provides a new document declaring that the borrower is freed from the debt only after the payment of the whole. In case of inherited debt it is logical that the creditor provides a document like the one given to Vaṃśamaṇi to each of the sons of the borrower once each one's share in that debt is cleared. The fact that Vaṃśamaṇi has paid off his share in the debt and due interest is recorded on the back of the original bond. It does not record the actual amount borrowed and paid back. As the clearance certificate concludes, it makes a clear statement that the two parties have no more financial relations, and adds that any claim made by any of the relatives and kinsmen stating that Vaṃśamaṇi is their brother and therefore should share the burden again would be invalid. This statement is interestingly written in Maithili.

A professional scribe or a capable person prepares a traditional document by the consent of both parties involved. Our document conforms to this rule. The Dharmaśāstras advise, "[w]hen a debt is borrowed in the presence of witnesses, it should be returned in the presence of the same or other witnesses"[24] (Kane 1993: 442). In the above document, too, we find six persons of the same Brahman class mentioned as witnesses. Whether these are the same people who witnessed Vaṃśamaṇi's father taking the debt or different cannot be known. The scribe, too, is a Brahman. Two widows of the creditor have approved this document. As the *Nāradasmṛti* (*vyavahārapada* 1.28–34) states, all ethical activities of the senior-most person in a family, executed according to the rule, are valid. However, the Dharmaśāstras do not normally allow women to carry out any legal financial transaction independently. The *Arthaśāstra* III.1 (cf. Kane 1993: 412 n. 661) tells that a woman whose husband or son are alive is incompetent and any agreement she makes is invalid. On the other hand, the *Nāradasmṛti* (*vyavahārapada* 1.33)

24 *Yājñavalkyasmṛti* II.94cd: *sākṣimac ca bhaved yad vā tad dātavyaṃ sasākṣikam. Viṣṇusmṛti* VI.24: *sasākṣikam āptaṃ sasākṣikam eva dadyāt.* Kane does not cite these original statements but only provides the reference. These statements simply say that a debt borrowed in presence of witnesses should be returned in the presence of witnesses. Witnesses at the time of return can be "the same or other" is obviously Kane's interpretation based on practicality.

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states that after the death of the father, the mother becomes the head of the family. Therefore, I guess that the two widows of the creditor accepted the payment and distributed it among the sons. It is also possible that these widows did not have any son, and so are acting independently on their own.

Before I conclude this paper I would like to raise a few general as well as specific questions for which I have found no definite answers. What comes first in my mind is how frequently and easily scholars and teachers moved from one place to another, one royal court to another, like Vaṃśamaṇi. I also wonder how the authors in the royal courts of the late mediaeval times in the Kathmandu Valley were rewarded, and how handsome were these rewards? How well-off was Vaṃśamaṇi? Why did his father borrow money? And, why did Vaṃśamaṇi work for Pratāpa Malla after the demise of Jagajjyotir Malla of Bhaktapur? On the basis of the available material, all these questions cannot be answered. We may make haphazard guesses to answer these questions but these will remain matters of speculation unless we find more of similar relevant documents.

Abbreviations

NAK	National Archives, Kathmandu
NGMPP	*Nepal-German Manuscript Preservation Project*
NS	Nepal Samvat

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Documents of Property Right in Early Modern Western India

Rosalind O'Hanlon

In January 1667, the small village of Pasarni near Pune in the Maratha country of western India witnessed a dispute about rights to land. It was a common enough dispute. At the centre of it lay the headman of the village, one Kondaji Mahigude. His family had long been resident. They enjoyed the privilege of *mirās* or hereditary right over their lands. A range of honours and perquisites went with village headship, as well as responsibility for ensuring that the lands of the village were cultivated, and revenues paid to the Maratha state then ruled from the nearby fort of Raigad. But then the family and the local peasant proprietors quarrelled. The family's fields lay uncultivated, there was nothing to eat, and so Kondaji abandoned his land. State officials pressed him nonetheless for payment of the revenues due on his lands, and so Kondaji came to an arrangement very common at the time. He agreed to allow the brothers of two other families, the Rikames and the Yevales, to cultivate his lands on his behalf. After some years, the relationship underwent another development very common at the time: the brothers claimed that Kondaji had not just allowed them to cultivate some of his lands, but had actually made over his *mirās* rights to them entirely.

The paper document that they produced to substantiate their claims was also a very common one. It was a *mahzar* or "letter of judgement" confirmed and witnessed by the *got* or "assembled local community", the former term itself a reflection of the widespread adoption of Persian judicial and revenue terminology during the centuries of western India's rule, first by the Bahmani kingdom, and then by the states of the Deccan Sultanate (Fischel 2012). The headman Kondaji did what many in his situation had done before him. He challenged the authenticity of the document, and demanded that it be heard before a *majālis*. This was another Persian term, denoting the form of regional judicial

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assembly attended by state officials, village heads and local holders of landed rights, which was a common feature of local justice in the states of western India. After hearing witnesses and examining the documents, the *majālis* determined that the findings of the earlier hearings had been correct, and the *mahzar* presented by the brothers was false, procured by means of bribery:

> It was not properly witnessed by the appointed village servants and gathered subjects of the place, the owner had not given his consent to sell it, and the local government did not have authority from the village. A *mahzar* may be given without proper consent because someone has offered a gift to the registers, but the *got* will not honour a *mahzar* forcibly given. (Vatsajosi 1942: 73–78)

These, then, were common disputes, and their forms of resolution would have been very familiar to contemporaries. For the modern historian, however, accustomed to thinking of documentary cultures particularly as features of the colonial state in India, the bureaucratic procedures evident here are striking and remarkable (Raman 2012: 6–11). The *majālis* was a legal arena in which the main parties to the dispute had very good local knowledge. All parties attending the assembly agreed on what constituted proper judicial procedure. They agreed on the proper relation between village servants and local government in the judicial process, what bureaucratic procedures had to be undergone to record a judgement in matters of property right, and how these procedures might be perverted through bribery. Above all, they agreed on the kind of document required to substantiate a legitimate claim to the land—what consents it should contain, what witness marks it should bear, and its proper relation to the agencies of the state.

The recording of grants, agreements and resolutions of disputes through local acts of collective witness was, of course, a very long-standing feature of judicial practice in the subcontinent. It is a recurring theme in the inscriptional record, and the subject of elaborate strictures on correct procedure in the writings of Hindu Dharmaśāstra (Davis 2010: 108–129; Kane 1973: 30–60). As an example from the same region of western India some four hundred years earlier, we might refer to the witnessing of a gift in the year 1202 CE. At this time, the northern Silahara kings, erstwhile feudatories of the Rashtrakutas of Mankhed, wielded power in this region of western India's

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Konkan littoral, although it was already threatened by the expansion into western India of the Yadava kingdom of Devgiri. A copper-plate recorded that Jaitra Samant, possibly a local feudatory of the Silaharas, had purchased from one Adiyakspala the *agrahāram* or tax-privileged Brahman estate of Ghoṇa Savire village and gifted it to a local Brahman, Govindakavi. The copper-plate recorded that Adiyakspala "with the consent of Kesava Prabhu, his sons and *gotra* members" had agreed to sell the village, and specified the witnesses to the transaction:

> To this are each witness the proprietors, headmen and merchants of the two villages Siravalī and Kudrikīvī. Padmalanayaka, the headman of Umbarayali, is also witness.

The scribe recorded his name as Divakar Jyotisi, and concluded with the imprecations that were also conventional for a document of this kind:

> This agreement (*bhāṣa*) will last as long as the sun and moon endure. He who impairs it is a dog, an ass, a Cāṇḍāla. Whether there is a letter less or more, all this is evidence. Divākar Jyotiṣī wrote this charter (*śāsan*). (Master 1957: 428–429; Tulpule 1963: 93–97)

At this much earlier point, therefore, key local people witnessed the compact, reference was made to the agreement of the *gotra* or extended exogamous lineage of the parties concerned, and the terms of the agreement were carefully specified in writing. Nonetheless, much had also changed in these forms of local procedure by the time of the 1667 document. It was a paper document, rather than copper-plate, termed a *mahzar* rather than a *bhāṣa* or *śāsan*, and the assembly affirming it was a *majālis*, signalling a meeting that was attended by local state officials. These changes were very much a reflection of the greater local penetration of state power in western India under the Deccan Sultanates, with their more elaborated Persian-inflected revenue and judicial procedures, and their greater dependence on paper-based bureaucracy. By the later seventeenth century, the paper *mahzar* was a ubiquitous document in western India, at once ensuring links between communities and the local state, and as a carefully preserved element in the records of local propertied families, standing as physical testimony to their rights and claims.

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This genre of paper manuscript and its role within local administrative and family histories has attracted important scholarly study (Gune 1953; Fukazawa 1991: 1–48; Guha 2004). Yet it has some remained relatively unfamiliar and inaccessible to historians and Indologists, certainly in comparison with the great corpus of literary, religious and scientific manuscript material, in cosmopolitan and in vernacular languages, which is available to scholars in archives, libraries and private collections in the subcontinent and elsewhere in the world. This may in part have been not because the *mahzar* was uncommon, but because it was usually the uniquely generated property of the family that held it. A copy recording the decision taken by a *majālis* was lodged in the state records, but the *mahzar* itself, with its witness signatures and marks, was kept by the family, and subject therefore to all of the environmental and human hazards that family papers were subject to in that era. It is a category of document that ought to be better known than it is. As a mundane document recording local rights, the *mahzar* would have been at least as familiar in local community settings as the genres of text which more routinely attract scholarly attention, and *mahzar* documents themselves contain exceptionally valuable information for historians. This essay explores the genre and its surrounding documentary culture, the physical form that *mahzars* took, their use of particular languages, their role in constructing forms of local 'public', and the changes that they underwent in the eighteenth century.

Let us look first, then, at the *majālis* assembly out of which *mahzar* documents usually emerged. The *majālis* might vary in size from a dozen people to several hundreds, depending on the importance of the case in hand (Perlin 1978). It was composed of parties to the case, a small number of local state officials, together with community heads, local holders of proprietary rights in land or office, and members of the *got*. This latter term, taken from the Sanskrit *gotra* or extended exogamous lineage, came to denote the larger local 'family' of all those who enjoyed the same kinds of rights. A *got* might be the *got* of a village, of a caste community, or of a family. Thus conceived, the *got* lay at the heart of the *majālis* (Gune 1953: 51–63). As we saw above in the case of the headman of Pasarni, it was the *got* that endowed the *majālis* with its authority, ensuring that the latter's findings representing local knowledge and opinion.

A wide range of Persian, Arabic, Sanskrit and Marathi terms described the operation of the *majālis*, reflecting the prominent role of Muslim state officials in the judicial and revenue affairs of the Maratha

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countryside (Guha 2011). Upon a complainant's bringing a representation, *vidit karṇe*, state officials, or prominent community heads would ask for an investigation, *mansubī* or *insāf*. They would ask parties to the case to submit a written statement, *takrīr* or *kariṇā*. If any of the parties decided that they wished their case heard before a *majālis* from a different place, they would have to submit a *thalpatra*. A government messenger might take a *talabrokhā* or written summons to witnesses, *sākṣīmozā* or *shāhidī*. The messenger would expect to levy a fee or *masālā* for his services. Parties to a dispute would have to submit a *muchalkā* to the *majālis*, a written bond of agreement under penalty to abide by its decision. To do so, they might need a *zāmīn*, a bondsman able to put up surety in the case. The taking of evidence would include *purśīs*, the interrogation of witnesses, and perhaps *sadi*, a written or oral statement given in evidence. The *majālis* would note the contents, *majamūn* or *mazkūr*, of documents submitted to it, and might decide that they were authentic, *bajinnas*, or false, *layini*. The *majālis* would issue a *mahzar* to the successful party, but state officials might also confirm this with a *nivāḍapatra* or *jayapatra* registered in the state records. The successful litigant would pay a sum of money, *harkī*, to the *majālis*, to signify his pleasure. The vanquished party had to issue a *yejitpatra*, a statement in writing admitting his failure (Gune 1953: xxii–xxviii).

In form, a *mahzar* was written by a scribe on long rolls made of pieces of handmade paper, six to 8 inches wide, glued together to form a roll that might extend to several feet, depending on the length of the various testimonies to be incorporated and the numbers of witnesses whose names were to be added. Each join was stamped on the rear side with seals to guard against later fraudulent alterations. At the end it was signed or marked by those in attendance, although the process of taking signatures sometimes continued several days after the meeting (ibid.: 207). While state officials would retain a copy for the state records, the *mahzar* itself was given to the party whose rights it thereby confirmed. Thus constituted, it was a complex social artefact of great value, and usually stored in a sealed bamboo tube or stone pot, to guard against house fires and damage from insects or water (ibid.: 80).

Mahzars followed a standard form. They stated the date and place of the *majālis*, and names of the state officials in attendance. There followed the names of the principals present, their place of origin, their office, and sometimes their age, as evidence of their worth as witnesses. The main text was usually presented as an address to the petitioner: that he had come to the Huzoor, (the "royal presence" or that of lesser

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representatives of state authority) and made the following representation. The next part of the narrative reproduced what the petitioner had said, which might include histories of earlier cases and judgements relevant to the case in hand. The testimony of different witnesses followed, sometimes in great detail, sometimes very briefly. The *mahzar* concluded with the consensus reached and the judgement given. A protracted dispute might generate a *mahzar* judgement that contained many histories within its narrative, going back a number of generations and occupying several feet of paper roll.

Although state officials were present, the authority of the *majālis* derived very much from its character as an assembly of local holders of rights and people with local experience and knowledge. The term *mahzar* itself comes from the Arabic *huzoor*, "present". The personal testimony of knowledgeable witnesses, the questioning of parties to the case and the direct inspection of documents were central to the proceedings of the *majālis*. There was another close tie between the *majālis* and local holders of rights. One of the most important privileges of *mirāsī* right was the entitlement to attend the *majālis* and put seal, sign or signature to the *mahzar* recording its decisions. Holders of different kinds of rights had their own signs which might be used instead of a signature: the *patil*, *mokadam* or village head put his mark as a plough, the potter as a wheel, the carpenter a chisel, the merchant a pair of balances, and so on (ibid.). These practices reflected the fact that a *mahzar* was given not by state officials or by royal authority, but by the *got* itself, with its members present and signifying their assent.

Embedded in wider social and political networks, the *majālis* was not merely a judicial occasion in a narrow sense, but had a significant 'public' dimension. As we saw above, it entailed recognised procedures for receiving 'representations', assembling key local parties and calling and examining witnesses. The *majālis* both created an occasion which remained in collective memory, and generated the *mahzar* document which confirmed important local rights. The *majālis* also constituted a kind of 'public' occasion, evident in the frequent invocation of the ethic of brotherhood linking *mirāsīdārs* in a common bond. Petitions frequently referred to *mirāsī* brotherhood, *mirāsī-bhau*, along with the brotherhood of those born of the same father, *bāp-bhau*. Part of this ethic lay in mutual solidarity and support for one another's rights, and a concern that the nature of rights and the means by which rights were created should be properly understood. Part of the ethic also lay in mutual respect for the proper documentary procedures through which

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oral testimony was translated into tangible judgements, complete with seals and signatures. These dimensions of the *majālis* meant that such assemblies were never just about individual decisions and outcomes. Rather, they reaffirmed general principles about rights and procedures, of potential interest to all of those who held similar entitlements.

Something of this sense of ethic emerged in the language used in an early seventeenth century dispute over rights to the Patil office of Chauryasi village in Indapur province. We do not have a *mazhar* for this controversy, but rather a letter of protest about the conduct of revenue officials, which alludes to their neglect of this ethic, and to their violation of proper procedure. Kanhoji Raja of the nearby petty state of Prabhavali, and Deskmukh of Indapur, contended over the patilship of Chauryasi village against a local rival, one Landa. Landa seems to have decided that since there was no hereditary Patil in the village, he himself would take over the office, conspiring with the local Muslim state official, Shaikh Sadu, to bribe the revenue officers of the province to issue a *mahzar* in his favour. Kanhoji first made what would have been a vital point to any Deshmukh of the period: that the absence of a hereditary Patil did not mean that there was a vacancy in the village.

> It is an old custom, not a new one, that the Deshmukh is the Patil of the village where there is no Patil, and where there is no Kulkarni, the Deshpande is the Kulkarni. (Joshi/Khare 1930: 199)

Kanhoji then asserted that he was "ready to go before the *got*" in defence of his rights, and remonstrated bitterly with the revenue officers for their attempts to forge a *mahzar*:

> How did it come about that Shaikh Sadu induced you with money to give a decision in favour of Landa? You will say that you were forced. But how could Shaikh Sadu issue the document of decision without your handwriting on it, and the witness of the people and hereditary artisans? (ibid.)

He appealed to them as brother proprietors, invoking the *niti* or "ethic" that should bind them together:

> You and I are brothers, and there is an ethic [*niti*] for those who are possessed of rights; we might suffer beatings, we might fall among rebels, but we do not bear false witness against another's

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> rights. Both you and I have this ethic of brotherhood. Great warriors like Bhishma may descend on the village in their thousands, such that the owners were absent for five or six hundred years. But on their return, they would still have their patrimonial rights. (ibid.)

For seventeenth century petitioners, therefore, the *majālis* offered a well-understood quasi-public space, with its own well-recognised and carefully guarded procedures. In it, local knowledge and oral testimony came together with a highly developed and very bureaucratic documentary culture, based on paper. The narratives of the *mahzar* at once offered very practical histories of the particular rights in question, and affirmed general principles as to what created rights and what did not. Their meetings constituted quasi-'public' occasions, in which knowledgeable witness and truthful evidence given before a wide local audience were seen as the foundations of just decision-making. In these senses, there was much that was 'modern' about justice in early modern western India. Yet in no sense did the *majālis* offer an exclusive route to justice, or one insulated from wider sets of social relations. Petitioners could apply to a plurality of authorities. Relations outside the *majālis* could be mobilised to try to affect its proceedings, or inducements offered to key officials in the hope of evading the scrutiny of *got* members and *mirāsīdārs*.

What problems did this remarkable documentary culture present to contemporaries? Although recorded in state registers, the original *mahzar* was itself a unique document, vulnerable to fire, insect damage, theft, destruction in local warfare. Many petitioners approached local state authorities for replacement documents after such destruction. Where substantial property or offices were at issue, and documentary evidence had been lost, the *majālis* also met to generate new *mahzars*. In 1667, the Brahman Ghode family of Pune petitioned for replacements for papers attesting to their *inām* lands in four different villages around Pune, as well as a quantity of oil for use in the city's Kedaresvar temple. They explained that they had possessed titles for these rights since the time of the Nizam Shahi kings.

> But then robbers attacked this place. There was no *faujdar* or governor. All of the troops had gone to Bijapur. Seeing the place empty, thieves attacked and took everything we had, all our *sanads*, both new and old. (Vatsajosi 1942: 65–66)

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This *majālis* was attended by a total of 19 people, the Kazi, the Faujdar, the Amin, the Deshmukh, Deshpande, village headmen, *shetias* and *mahajans*. House fires were another hazard. In 1692 the Athalye family, priests of Devale village near Pune, petitioned for fresh documents.

> Abaji Patole's soldiers came and set the house on fire. When the house burnt down, there were our caskets of books in there, and our letters of rights. These were well known as long established. Therefore we need to be given a *mahzar*. (Athalye 1939: 22)

Thirty people from many different villages around were present at the *majālis* and signed the *mahzar*. In addition, documents were vulnerable to local forgery and to the possibility that corrupt officials might forge both the document itself and the entry in the local state's own registers. At the same time, the firm basis of the *majālis* in local community and local witness meant opportunities for aggrieved proprietors to challenge suspected malfeasance, drawing on local witness and invoking the ultimate authority of the *got* in their defense.

From early in the eighteenth century, wider changes in forms of the Maratha state meant fundamental changes to the *mahzar,* the *majālis* and the judicial procedures within which they were embedded. Like other regional states of the eighteenth century, the Maratha state strove to enhance its control over local revenue systems and to bring property rights more firmly under its jurisdiction. There were moves to change from early in the century. However, the key move towards greater centralisation came with the shift in power from the court of Satara to the new administrative centre of the Maratha state in Pune, seat of the new government of the Maratha Peshwas. Successive Peshwa governments moved to replace the old apparatus of *got*, *majālis* and *mahzar*, with the new judicial instrument of the panchayat. Usually seen as the embodiment of tradition in local forms of community justice, the eighteenth century panchayat actually emerged as a key instrument of later eighteenth century judicial centralisation.

Panchayats usually consisted of between three and 15 members, depending on the numbers of parties directly involved in the dispute. Crucially, village and regional headmen and local *mirāsīdārs* had no automatic right to attend, members of the panchayat being ad hoc invitees of petitioners themselves. The Peshwa court maintained its own busy Huzoor Panchayat in the palace at Pune, with a standing staff of scribes, record-keepers and specialist clerks assist in its work. Its

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"letter of decision", the *nivāḍapatra*, was issued as a document of state, rather than a summary of the deliberations of *got* and *majālis* standing in witness to a local decision (Franks 1930; Gune 1953: 49–50, 83–86; Jaffe 2015: 21–47; O'Hanlon forthcoming). The Daftar or repository of state records at Pune expanded rapidly to accommodate the volume of new records being generated, from the daily expenditures of the Pune court, to village revenue accounts, military and other land grants, confirmation of offices and service tenures, as well as judicial awards of the kind described above. Hereditary *daftar kārkūn*, "clerks to the Daftar" were appointed to maintain the records in a systematic way. It was accommodated in the mansion of Nana Phadnis, the distinguished minister and regent to the Pune ruling family, who oversaw the repository and shaped it into an effective instrument of state administration and revenue-gathering (Etheridge 1873: 46; Sardesai 1933b: vii).

Yet the drive to centralise itself carried its own difficulties. The expansion of the Maratha state into northern India created new, and often distant judicial forums to which petitioners could appeal. The judgement of a panchayat held in June 1765, just four years after the Marathas' disastrous defeat at the battle of Panipat outside Delhi, illustrates something of these circumstances. With its references to 'bundles' of accompanying documentary evidence, the judgement is also testimony to western India's all-pervasive documentary culture, now inherited by the Pune regime. The judgement recorded that brothers of the Brahman Mule family had come to the Pune court and complained that the Garge family were attempting to usurp their rights as priests and *dharmādhikārīs* in the village of Tasgaon outside Pune. The Peshwa's minister Bhausaheb had heard the case and decided in favour of the Mules. But the Garges disregarded the verdict, gave out false information about the judgement, and forcibly assumed control of the Mules' offices. So, the judgement continued, in the narrative of the Mules:

> We went to see the Bhausaheb in Hindustan. We told him that Garge had given out false information about the judgement he had earlier given (bundle 2) and seized our property. So the Bhausaheb gave us a letter for Nana Saheb Peshwa, saying that in the judgement given, Garge had put forward a false case. He gave us a written affirmation that the Mules should be allowed to resume their property, and we came back to Pune. Then Nana Saheb Peshwa died. But the Swami saw the letters and issued

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> instructions to the revenue officers and the villagers that Garge had been found false and should be made to release the property, and the Mules allowed to resume their rights. So then Garge approached Mahadji Shinde and made a complaint to him, and also demanded a fee of 200 rupees from the village Patil (bundle 3). The villagers said that the Mules would have to pay this fee. Then Garge took us before Mahadji Shinde, and demanded with menaces that we should give him our letters from the Sarkar. Then an order from the Sarkar went to Shinde's Dewan to say that Garge had no case, and the fee the Mules had paid should be returned to them. (Gune 1953: 313)

At this point, the Mule's narrative continued, the contending parties fell into argument about the value of the parties taking an ordeal by water in the Godavari river, to demonstrate the strength of their case. They decided against it, but Garge then resorted to another tactic.

> He wrote out a document admitting his defeat. He said, I will make a copy of the papers and give it to you. Then he took our papers to make copies of them, but instead of returning them, he tore them all up. (ibid.)

The Mules pointed out another difficulty:

> In his impudence, Garge would not write a letter admitting defeat. An order can be issued to him, but it is not possible to punish a Brahman. (ibid.)

Eventually, the court officials resorted to summoning the villagers and asking them, under oath, who their hereditary priest really was. The villagers testified that the office belonged to the Mule family, and wrote out a document to confirm the fact. With this confirmed, the panchayat judgement concluded with a brief declaration in favour of the Mule family (ibid.).

A further considerable difficulty with this new and more centralised framework for the resolution of disputes lay in persuading families actually to bring their documents of right to the Pune court's judicial officers for scrutiny. This emerged very clearly over the course of 1779, during a quarrel within the prominent Chaskar family of Pune bankers, linked by marriage to the ruling family in Pune (Gokhale 1988:

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129–132). There were two branches of the Chaskar family, descended from each of the two wives of Mahadji Krishna Chaskar. Meghashayampant, descended from the marriage with the first wife, challenged Rakhmabai, the widow of Krishna Mahadev, descended from the marriage with the second wife, over the division of the family's military estate and associated honours and perquisites. In his complaint to the Peshwa's judicial officers, Meghashayampant alleged that he had received nothing from the family property, while the widow, Rakhmabai, had inherited the whole estate.

What followed was a lengthy duel between the Pune judicial establishment and the widow herself. Over many months, from her estate in the village of Chas near Pune, Rakhmabai pursued a very skilled strategy of temporisation and evasion designed to avoid surrendering the papers establishing her claims to the estate so these could be examined by the panchayat at the Pune court. At first, after many postponements, she sent her agent to Pune not with the originals, but with transcripts of the documents. On being further pressed for the originals, she explained:

> You keep insisting, show the documents. This would not have been a problem back in the days when there were men in the house. But now there is no old experienced manager of the household papers left in my house who can do this. (P.N. Deshpande 2009: 4)

After a long succession of further delays, the papers were produced, but they were still not the originals, lacked proper signatures and dates, and the widow was reluctant for them to be inspected by Meghashyampant's party. Eventually, further bundles of papers were produced before Ramshastri Prabhune, the longstanding senior justice of the Pune court. But the widow Rakhmabai still attempted to delay their inspection by imposing limits on who could actually look at them. The court remonstrated to her: "You keep saying, we'll look at them today, we'll look at them tomorrow, and so the dark half of the month went past" (ibid.: 14). Ramshastri then ordered her agent to appear at his mansion, and said to him:

> If you've brought the papers, let's see them. But we are not going to look at them in a corner, because then doubts will remain; they must be examined in front of the assembly. (ibid.)

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Further refusals of public scrutiny followed, prompting Ramshastri to expostulate "If we do not look at the papers before the assembly, it will be nothing but the work of thieves" (ibid.). It is not clear how the protracted dispute ended, because the long document recording the case is missing its final pages (ibid.: 17).

It was, of course, this new panchayat-based framework for the resolution of disputes that the East India Company's Bombay government under Mountstuart Elphinstone encountered at its accession to power in 1818, and took to be the age-old cornerstone of local justice in western India (Elphinstone 1821: 78–92). As suggested above, this was a misapprehension. However, Elphinstone was in no doubt about the value of the repository for the wealth of information it contained about the Maratha country. With his assistant J.M. Macleod, he arranged for two former clerks from the Daftar, Govindpant Tatya Daftardar and Ganeshpant Pendse, to return to it and to make a complete inventory of all of the records that it contained. His purpose was both to preserve them, and to make them accessible to the western India's new governors (Sardesai 1933b: 1; *Selections from the Records of the Bombay Government* XXIX, 1856: 23).

After this initial effort, no further systematic attempt to document the Peshwa Daftar was made until the early 1840s. In 1843, the Bombay government's Inam Commission began its experimental operations. Its target was a suspected proliferation of fraudulent claims to privileged land tenures, made by petitioners who had taken advantage of the disorders attending the last years of the Peshwa's government, and the judicial inexperience of its British successor (Etheridge 1873: 47–53; Charlesworth 1985: 53–57; Preston 1989: 162–194; Sturman 2012: 56–57). A key part of the Commission's work was to ask families holding privileged landed rights to bring forward their original grants of title and associated accounts for scrutiny. Very quickly, however, the Commission ran into the same resistance to scrutiny by outsiders and agents of the state that, as we have seen above, the officers of the Pune judiciary encountered. Individual commissioners reported numerous instances of families reporting that they had lost or mislaid their original deeds and were unable to produce the revenue accounts associated with their privileged tenures. One of the many family records to which T.A. Cowper, Inam Commissioner to the Northern Division of the Bombay Presidency, sought to gain access, were those of the Deshpande family of Junnar, accountants to the district. Cowper found himself listening to a very familiar tale:

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> The widows and relatives of the late Deshpandey came forward full of professions, and expressed themselves most anxious to furnish Government with every account belonging to the Wutun: when, however, I subsequently found Dufturs withheld and concealed in all directions, and remonstrated with them for what I fully believe to have been done partly at their instigation, the excuse with which I was met was the utter impossibility of their checking or controlling the proceedings of the Goomashtas. (*Selections from the Records of the Bombay Government* XXIX, 1856: 33–34)

Once again, the *gumāstās*, the managers of the estate's affairs, were blamed for the difficulty in producing the documents asked for. The tenacious Cowper recorded that he had then gone in pursuit of the managers, one of whom "produced a Duftur from which every useful paper had been abstracted" (ibid.: 34). He later learned that the manager in question had kept most of the accounts and title deeds walled up in a recess in his house (ibid.). The Commissioners and their agents reported many other instances of such reluctance to surrender title deeds and accounts associated with them. Their reports interpreted all such cases as evidence of a widespread conspiracy to defraud the public revenues of the Bombay presidency, and they pressed for exemplary penalties for the perpetrators.

The Inam Commission attracted significant criticism. Influential contemporaries such as Sir John Kaye, the great historian of the Indian Mutiny-rebellion of 1857, alleged that its indiscriminate and confiscatory proceedings had ruined many once-proud military and service families with a history of loyalty the government (Kaye 1864: I, 175). The Bombay government wound up its operations in 1863, and replaced it with a newly constituted Alienation Office, now entrusted with responsibility for classification and arrangement of the great mass of original title deeds and associated records collected by the Commission. Anxieties about theft, forgery and interpolation by the agents of unscrupulous claimants led to the creation of a complex system of date and number stamping of title deeds within the Alienation Office, to add to the older signs and seals of authentication described above (Sardesai 1933b: 5). The larger Peshwa Daftar remained in the old mansion of Nana Phadnis until 1890, when it was moved to new premises in the city. By this time, the Bombay government had approved the publication of selected collections of documents for the use of historians. The

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first of these, edited by the Alienation Assistant Rao Bahadur G.C. Vad, began to appear in 1897. They were succeeded by the great historian G.S. Sardesai's *Selections from the Peshwa Daftar*, published in some 46 volumes during the early 1930s (Sardesai 1933a: 6–10; Chakrabarty 2015: 154–157).

The last years of the nineteenth century and the early decades of the twentieth saw, in fact, a great upsurge in the collection and publication of manuscript deeds of property right. Many of the region's leading families arranged for publication of selections from their own private *daftars*, the most significant of which was the *daftar* of Nana Phadnis himself, kept at his mansion in the village of Menavali, some 80 kilometres to the south of Pune (Shejwalkar 1954–1959). This was the golden age of collection and publication of Marathi family records of many different kinds, by local historians concerned at official neglect of the rich archival heritage of the Peshwa state and its predecessors in the Maratha country. Pune-based research institutions such as V.K. Rajwade's Bharat Itihas Sanshodhak Mandal, the Bhandarkar Oriental Research Institute and the Deccan College Postgraduate and Research Institute took the lead here, both in collection of manuscripts that would otherwise have been lost, and in their publication in a range of different series and journals (Chakrabarty 2015: 104–132; Deshpande 2006: 93–125).

As historians of western India are only too sharply aware, these together constitute an extraordinary body of precolonial vernacular records for the social historian unparalleled anywhere else in India. With documents of property right—*mahzars* and *nivāḍapatras*—prominent among them, this is very much a legacy of the rich documentary culture described above, which penetrated to the most local of social levels. It is also a consequence of the Pune government's own strong drive to maintain the revenue and associated judicial records on which its great drive into north India depended, and of later nationalist historians' determination to preserve those records. Because many of these documents are by their nature each the unique record of an individual judicial transaction, they have tended not to attract the attention of more recent projects for the digitisation of endangered archives, such as the *Endangered Archives Programme* (EAP) of the British Library and Pune Manuscript Centre. These have made dramatic progress in preserving a wide range of early modern and eighteenth century Marathi manuscripts, but their focus is very much on literary, scientific and religious texts (EAP 248 and EAP 023: http://eap.bl.uk/database/

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collections.a4d). Paper publication of the judicial records nonetheless continues, in the journals such as the quarterly journal still published by the Bharat Itihas Samshodhak Mandal, and in the reissue of Rajwade's invaluable series *Marāṭhyāchyā Itihāsācī Sādhane* (P.N. Deshpande 2002–2009).

Perhaps there is no more eloquent testimony to the continuing value of this genre of judicial document than their re-emergence in more recent times in support of family landed rights. In an era of soaring land prices, some Maratha families are once more turning to them to find evidence of their old entitlements, and beating a path to the door of the Pune Record Office to consult its judicial records (Jain 2012).

Note on Transliteration and Translation

I have used diacritical marks on romanised Marathi, Sanskrit and Persian terms in this essay, with some exceptions. The exceptions are terms that are familiar in their Anglicised form, well-known place names, and the names of individuals, unless the latter occur within a quotation. I have also not used diacritical marks on romanised names of authors. For Marathi and Sanskrit terms, I have followed the Library of Congress scheme for transliterating Indic scripts, but in the case of Marathi terms and names have followed their pronunciation, rather than a strict Sanskrit orthography. For the few Persian terms used, I have followed the modern *Encyclopaedia Iranica* system of transliteration.

All Marathi sources used in this essay are published, and all translations from these published Marathi texts used in this essay are my own.

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Documented Evidence Relating to the Implementation of the *Mulukī Ain* in Mid-19th-Century Nepal[1]

Rajan Khatiwoda

Introduction

Nepal, although geographically situated next to British India, was among the few kingdoms in the region that were not colonized—a fact that enabled it to maintain its autonomy from both British India and China. There were several attempts, especially on the part of the East India Company, to conquer and colonize it, but they all came to nought. Thus, the country could define its own social-legal practices without direct external interferences. For example, the referents of the Nepali vernacular term *kṛstān* (Christian) are explicitly categorized as an Untouchable caste in the *Mulukī Ain* (hereafter MA) of 1854 (see MA-Ed1 1854: 87 §2).[2] This indicates that the British had little if any say when it came to the legal code of mid-19th-century Nepal. Had they had, the status of Christians would have been comparatively greater.

Such legal practices in Nepal before the mid-19th century, however, are not clearly traceable, even though there were some efforts to set down legal practices in written form starting from the 14th century onward.[3] King Jayasthiti Malla (r. 1382–1395) was the first ruler to take initial steps, by introducing the *Nyāyavikāsinī* (NyāV) in Sanskrit and Newari, towards the written law. Since the Sanskrit version of the

1 I should like to thank Manik Bajracharya, Simon Cubelic, Axel Michaels, Ramhari Timalsina, Astrid Zotter, and Christof Zotter for their useful comments, and Philip Pierce for both useful suggestions and going through the English.

2 The MA of 1854 is quoted by article and section.

3 Precisely saying, the legal history of Nepal starts with Licchavi period through around two hundred inscriptions: see Vajrācārya 1967 (VS 2024): 345–355 and 1973 (VS 2030) for further discussions.

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NyāV[4] was merely a commentary on the 4th canto of the *Nāradasmṛti* (see the colophon of the text in NyāV, p. 327), little similarity to positive law can be observed in it.[5] The Newari version, shrouded in the complexity of the mediaeval Newari language, is still untranslated, so that its contents will be known in detail only to future research.[6] After unification but before the Rāṇā regime, the king was the highest authority in all matters. He was assisted by the royal priests (*rājagurus*) and members of the royal assembly (*bhāradārī-sabhā*) as well as *dharmādhikārins*. However, *dharmādhikārins* were acting as the main judges only during impurity trials (Michaels 2005: 11–12). They were responsible for enforcing traditional Brahmanical regulations relating to penance and other religious practices and for granting expiation (Nep. *patiyā*, Skt. *prāyaścitta*)[7] as well as issuing a short note—a kind of certificate—for reinstatement into one's own caste when that person had been polluted by an impure act as defined in the customary practices. Moreover, they did not have any explicit role in civil and criminal cases (ibid.: 20).

Emergence of the *Mulukī Ain*

After the Kot Massacre in 1846, Jaṅga Bahādura Rāṇā declared himself prime minister and commander-in-chief of the army. From that time on, both positions were reserved for members of the Rāṇā family, with the Śāha kings being reduced to ceremonial rulers. Although the Rāṇā rulers continued to follow in many respects the path of cultural isolationism and conservatism, they also showed

4 According to D.R. Panta the exact date of the composition of the text is not known. However, the colophon of one manuscript which he used to prepare the diplomatic edition of the text mentions that the text was copied by Lumtabhadra Vajrācārya on Thursday, the 3rd of the bright fortnight of Phālguna in the Nepal Era 500 (*śrīnepālikavatsare khakhaśare pakṣe site phālguṇe*(!) *māse cāgnitithau girāṃpatidine bhaktāpurīpaṭṭane*(!) [...] *likhitā luṃtabhadreṇa vajrācāryeṇa dhīmatā*; transcr. in D.R. Panta 2008: 328). This colophon provides us with the date *ante quem*, which is before 1379 CE.

5 See Lariviere 2004: 612 for the further discussion regarding the concept of positive law.

6 The Newari scholar Kashinath Tamot assisted by his student Jivankumar Maharjan has prepared a diplomatic edition of the *Nepālanyāyapālavidhi*, a Newari version of the *Nyāyavikāsinī* (see Tamoṭa 2006 [NS 1127]). In a personal communication (January 2013), he characterized its language as complex, but he hopes to undertake a translation of it in the future.

7 For further discussions of these terms, see Höfer 2004: 161–162 and Michaels 2005: 35–39.

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a certain openness to Western forms of conspicuous consumption, political aesthetics, and governmental strategies (Toffin 2008: 163). This led to considerable legal and administrative reforms (Edwards 1977: 161–162; Regmi 1988: 77–90 and 122–179). One major example for the greater willingness to engage with foreign ideas is Jaṅga's state visit to England and Paris in 1850, which was the first trip of a South Asian prime minister to Europe (see Cubelic/Khatiwoda 2017: 72). As soon as Jaṅga Bahādura Rāṇā returned from his state visit, he formed a Law Council consisting of 218 members (MA-Ed1 1854: Preamble, pp. 2–7) to discuss the nature of the purported law code and set standardized forms for the previously existing legal documents (*ain, lālamohara, savāla, sanada, rukkā, ādeśa* etc.). The MA was promulgated during the reign of Surendra Vikrama Śāha (r. 1847–1881), on Thursday, the 7th of the bright fortnight of Pauṣa in VS 1910[8] witnessed by the Father King Rājendra and Crown-Prince Trailokya (MA-Ed1 1854: 1–2).[9]

As pointed out by K.K. Adhikari (1976: 107), although it is controversial whether the MA was a result of the influence of the British legal system on Jaṅga Bahādura during his state visit to England in the 1850s, no direct reference to British legal documents can be detected in the MA. Moreover, the MA neither refers directly to any Brahmanical scriptures of law nor any western or Islamic law (Michaels 2005: 7). Thus, the inspiration to draft the MA can be attributed to the journey of Jaṅga and his exposure to Western legal ideas, but the exact circumstances have to be re-investigated. However, what is known is that Jaṅga Bahādura, the country's de-facto ruler, established a strong foundation for the unification of diverse judicial practices by promulgating the first systematic and sophisticated legal code.

Jaṅga Bahādura Rāṇā's aim was to unify the penal code by prescribing clear guidelines for meting out punishment. Since the legal system had not been uniform, two offenders from two different territories or ethnic groups could easily have received different punishments for the

8 According to J. Fezas, the mentioned date given in the Vikrama Era is equivalent to 1853 Common Era (MA-Ed2: xx). However, A. Höfer converts this date into Common Era as the 6th of January, 1854 (Höfer 2004: 3) whereas, A. Michaels converts it as the 5th or 6th of January, 1854 (Michaels 2005: 7).

9 The inspiration to draft the MA is often attributed to this journey of Jaṅga's and his exposure to Western legal ideas (see Whelpton 1991: 218 for the further discussion), even though the exact circumstances remain obscure (see Cubelic/Khatiwoda 2017: 72).

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same crime.[10] Other aims were to establish a national caste hierarchy for the multiplicity of Nepal's ethno-cultural groups, a homogeneous legislative process and a uniform system of administration, and so, by such standardized legal means, to rule over and control remote areas and diverse ethnic groups more smoothly. The MA of 1854 is unique inasmuch as it

> has the great advantage of offering the representation of an entire traditional society—not as a utopia of the moralists and not as reflections of the learned, but as law for immediate application. (Höfer 2004: xxxvi)

It is a codification of traditional social conditions, a code of civil and penal regulations dealing with, for example, land-ownership, revenue administration, matters of inheritance, deposits, debts and obligations, marriage regulations and rules of purity, and killing (not only of human but also of animals), thievery, witchcraft, slavery, sodomy, rape, arson, street cleaning, etc. It also classifies the hierarchy of the caste system by bringing the various castes and ethnic groups to five main categories (see ibid.: 9–10): "Cord-wearers" (*tāgādhārī*), "Non-enslavable Alcohol-Drinkers" (*namāsinyā matuvālī*), "Enslavable Alcohol-drinkers" (*māsinyā matuvālī*), "Impure, but Touchable castes" (*pānī nacalnyā choī chiṭo hālnu naparnyā*), and "Untouchable castes" (*pānī nacalnyā choī chiṭo hālnu parnyā*). The MA was repeatedly amended and supplemented and is still in use today, even if in a form that is totally different from the first version. However, the question remains:

10 This can be extracted from the preamble itself (MA-Ed1 1854: Preamble): [...] *maramāmilā gardā ekai bihorāmā kasailāī kami kasailāi baḍhatā sajāya huna jānyā hudā tasartha aba uprānta choṭā baḍā prajā prāṇi sabailāi ṣata jāta māphika ekai sajāya havas ghaṭī baḍhī naparos bhannānimitta tapaslila bamojimakā bhārādārasameta rāṣi kausala gari kausalamā ṭhāharyā bamojimkā ain tayāra garnu bhani śrī 3 mahārāja jaṅga bahādura rāṇā ji. si. bi. prāim miniṣṭara yāṇḍa kamyāṇḍara ina ciphalāi hokum baksī banyākā aina* [...] "([...] since there have been dissimilarities [lit. less than enough for some and more than enough for others: *kasailāi kami kasailāi baḍhatā*] in punishment [imposed] in the same [kinds of] lawsuit [*ekai bihorā*] until today, therefore, in order to achieve uniformity of punishment in accordance with the crime committed, this is the *ain* prepared in response to the following order to the thrice venerable Mahārāja Jaṅga Bahādura Rāṇā G.C.B. Prime Minister and Commander-in-Chief [...])."

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Was the *Mulukī Ain* Ever Implemented in Juridical Decisions?

Before discussing the aspects of the implementation of the MA, I shall briefly present some scholarly observations regarding the question of implementations of the Brahmanical scriptures of law (Dharmasūtras and -śāstras and -nibandhas). There has already long been investigation on the implementation of Brahmanical legal scriptures in social and legal practice as law codes.[11] However, it is still not clear to what extent Hindu society was administered according to customary practices (*ācāra*) or according to legal practices grounded in the Dharmaśāstra texts. It could be possible that one of the sources of the dharmashastric texts were customary practices (Lariviere 2004: 616; Davis 2005: 314), but it is not convincing to imagine that the Brahmanical *dharma*-texts could have entirely incorporated the practiced customs from all the geographically and culturally diverse territories and societies of the Indian subcontinent and at the same time could have resulted in a universally acceptable code. Moreover, although piles of such Brahmanical jurisprudence of the ancient Indian subcontinent are transmitted to us, there is almost no historical material on the legal practices survived (Michaels 2010: 61). R.W. Lariviere points out that the Dharmaśāstra was never supposed to be codified law but only to provide guidelines for legal practice:

> The application of all law is context sensitive. It is a delusion to think that the law can be proclaimed for all time and in every circumstance. The authors of the *dharma* literature understood this context sensitivity of *dharma*. It was never their intention to exhaustively record and codify all law applicable for all time. It was their intention to provide a means whereby law could be "discovered" in each specific context. In an Indian context there was never the idea that any two crimes or civil wrongs were identical, so there was no reason to be concerned with precedent. Each dispute was unique and what was needed was a general set of guidelines for procedure and for classification of the dispute. This is what the *dharmaśāstra* provided for dispute settlers of ancient India. (Lariviere 2004: 615)

11 See, for example, Rocher 1993, Lariviere 2004, Davis 2005 and Michaels 2010 (cp. the introduction to this volume).

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Davis's conclusion regarding the issue of implementing sacred dharmashastric texts is similar to Lariviere's opinion that "[s]acred texts were not normally sources of positive law, but rather of jurisprudential training" (Davis 2008: 317). One clear strand of opinion, then, is that the Dharmaśāstras are more theoretical exercises that paint a series of fictional constructs and could not possibly or reasonably have been meant, as they stand, to be put into practice as strict law codes. They are books of law—or rather, books of laws—containing, as Ludo Rocher states, "a mass of floating verses of rules and observations 'that were, indeed, at some time and in some place' governing the life and conduct of people" (Rocher 1993: 267).

To illustrate the point that Dharmaśāstras are more normative and theological than practice-oriented in nature—in the sense that they do not lay down concrete judicial responses to the whole gamut of possible concrete circumstances and thus could not be used as positive legal texts—I shall present the example of a document that I came across while working for the project *Documents on the History of Religion and Law of Premodern Nepal* of the Heidelberg Academy of Sciences and Humanities. Preserved in the Nepalese National Archives, it serves as a concrete documentary evidence for the current hypothesis (see NGMPP DNA 4/100). The document is a letter sent from Raṇavīra Siṃha, a government employee, to General Bhīmasena Thāpā in 1835 (VS 1892) from the Pālpā frontier. It mentions the reciprocal treaty signed between the East India Company and the Nepalese government to control cross-border crime, especially theft and robbery, which was—and still remains—a significant problem. Although Brahmins and women are always exempted from capital punishment in accordance with the dharmashastric regulations (see, for example, *Mānavadharmaśāstra* 11.55–59) and Hindu customary practice (*Edicts of Rāma Śāha*, no. 15), an exception is made in this very explicitly formulated treaty, to the effect that if, irrespective of caste and gender status, anybody commits an act of cross-border robbery, he or she shall be put to death by the authority in power where the crime took place. It is stated that the core reason for such strict punishment is in order to ensure the mutual diplomatic friendship between the two governments. This is a typical example illustrating that the legal practices tended to be based either on customary practices or on various other practical concerns. Despite the fact that Brahmins and women were customarily exempted from capital punishment in 18th–19th-century Nepal, such punishment was meted out for purposes of ensuring

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smooth diplomatic relations regardless of what the Dharmaśāstras and customary practice enjoined.

Coming to the MA, it has always posed a riddle whether the MA was really made the basis of legal practice or whether it, too, remained a kind of Dharmanibandha composed in the vernacular. Scholars who have dealt with different aspects of the MA have not focused enough on the issue of its actual implementation.[12] As pointed out by T.R. Manandhar (1999: 25), scholars[13] argue that the MA did not bring any fundamental change in the courts of law of 19th-century Nepal due to the reason that Rāṇā aristocracy ignored whatever court procedures were written down in the MA. As observed by these scholars the Council which was the supreme executive body and court of appeal was a mere shadow of powerful Rāṇā prime ministers. H.N. Agrawal even argues that the Council was used only once in 1847 by Jaṅga Bahādura Rāṇā to declare "the abdication of King Rajendra Bikram Shah" (Agrawal 1976:12). Such arguments are made by the scholars without paying enough attention to the large corpora of documents available in private and public archives of Nepal. The unstudied corpus of documents is a basis for the still largely unexplored history of the practice of the MA in mid- and late 19th-century Nepal's jurisprudence.

In this paper, I shall therefore present two such pieces of documented evidence—one dealing with a criminal case and one with civil law—as examples which prove that the MA was in fact not a Dharmanibandha-like legal tome but rather reflected current realities and so must be regarded as the basis and point of reference of the legal system of the Rāṇā administration.

Two Documented Evidences on the Implementation of the *Mulukī Ain* of 1854

The first document (NGMPP DNA 14/4 see Appendix, Doc. 1) is an order (*rukkā*) issued by Surendra in VS 1937 (1880 CE) to Captain Mvāna Siṃ Svāra Chetrī which lays bare formal procedures for carrying out the death penalty on Hari Goḍīyā, who was found guilty of committing a homicide. The offender, Hari Goḍīyā, a resident of Maujye Bajhahī Pallāpura, Baharāica, Mogalānā,[14] killed Vadala Siṃ Thāpā

12 See, for example, Höfer 2004, Adhikari 1984, Fezas 2000 and Michaels 2005.
13 See, for example, Agrawal 1976: 12 and Regmi 2002: 4.
14 This refers to territories of Hindustān (see Turner 1931 s.v. *muglān*).

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and then fled. After more than a year he was arrested and brought before a court, where, on Thursday, the 7th of the dark fortnight of Phālguna in VS 1935 (1879 CE), he confessed his guilt in writing at the Aminī, Adālata and Kacaharī courts. This confession is quoted in the document:

> It is true that on Sunday the 1st of the bright fortnight of Śrāvaṇa in VS [19]34 (1877 CE) I, a member of the Goḍīyā caste, killed Vadala Siṃ Thāpā during the night while he was sleeping by stabbing him in the throat twice with a *khukurī*[15] and then fled with 1 *tolā*[16] of gold and Kaṃpanī Rs. 40 which he had at his waist.

Another year passed, and on Saturday, the 30th of the dark fortnight of Śrāvaṇa in VS 1936 (1879 CE), Lieutenant (*lephṭen*) Vālanarasiṃ Svā̃ra Chetrī and Bicārī Kāśināṭha of the Aminī court submitted a report to a higher court, the Iṭācapalī, also quoted in the document:

> Since Hari Goḍīyā, out of greed for property, killed Vadala Siṃ Thāpā at his place of residence by stabbing him in the throat twice during the night while he was sleeping, we have determined to sentence him to death; to take him to the grounds called Pāhāra Pokharā where the public can witness his beheading—the taking of life for life—at the hand of a local Untouchable caste member in accordance with the Section 9 on Homicide[17] and section 7 on Executing, Shaving and Branding (*dāmala*).[18]

Then Subbā Paṇḍita Caṃdrakāṃta Arjyāla on behalf of the Iṭācapalī court submitted a request to Prime Minister Raṇoddīpa and Commander-in-Chief Dhīra Śamśera to approve the death penalty in the following words:

15 The curved knife carried by the Nepalese (see Turner 1931 s.v. *khukuri*).
16 A unit of weight equal to 0.01 kilogram (see M.C. Regmi 1978: 229)
17 See MA-Ed1 1854: 64 §9 and MA 1870 in NGMPP E 1223/17, p. 520 §9.
18 The term *dāmala*, inf. *ḍāmnu*, literally "to brand" (see NBŚ s.v. *dāmala*) refers to a form of punishment which substitutes the capital punishment for those offenders who cannot be sentenced to death (such as Brahmins, certain groups of ascetics or women) (MA-Ed2 1854: 64 §1, §3 and §5). The left cheek of the offender is branded with the mark *dāmala/ḍāmala* and the offender is sent for life imprisonment (MA-Ed2 1854: 42 §2 also Vaidya/Manandhar 1985: 20). See MA-Ed1 1854: 42 §4 and MA 1870 in NGMPP E 1223/17, p. 413 §4 and §7.

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> Regarding the trial which came to our attention through a request sent by the Iṭācapalī court, we give the order to sentence Hari Goḍīyā to death as punishment for his having committed the crime; to take [him] with sounding cymbals throughout the new territory of Kailālī district and to the grounds called Pāhāra Pokharā and there to behead him at the hand of a local Untouchable caste member in accordance with the Sections 9 on Homicide and 9 (sic!) and 11 on Executing, Shaving and Branding (*dāmala*)—Hari Goḍīyā, who out of greed for property killed Vadala Siṃ unlawfully during the night while he was sleeping by stabbing him twice in the throat with a *khukurī*.

The second document is a complaint (*ujura*) made by Śamaśera Bāhādura Pāḍe, an inhabitant of Naradevī Ṭola (Kathmandu), against his *kākī* (the wife of his father's brother) Rājakumārī Pāḍenī. She is accused of meeting her by then incestuous husband, Pṛthī Bahādura Pāḍe, accepting rice from him and having sexual intercourse with him.[19] This trial thus deals with a family dispute between Rājakumārī Pāḍenī (the lawfully married wife of Pṛthī Bahādura Pāḍe) and the complainant (her brother-in-law's son Śamaśera Bahādura Pāḍe) (see NGMPP K 175/18, Doc 2. in the Appendix). This dispute arose in VS 1918 (see NGMPP K 175/33) after Pṛthī Bahādura committed adultery with the non-widowed wife (*sadhavā*) of a fourth-generation cousin and with a similarly distantly related female cousin (*cāra pustākī didī ra bhāujyū*). After committing adultery, he fled to the Terai (Madhyadeśa) with his entire family and household personnel (see NGMPP K 172/58). Later, Rājakumārī returned from the Terai and initiated a court case to get her legal share of the inheritance. Śamaśera Bahādura and his family tried to avoid giving her any property, accusing her of being guilty of willingly accepting rice from her incestuous husband and having sexual intercourse with him. Rājakumārī Pāḍenī for her part insisted on her just claim, mentioning the expiation she had undertaken by order of authorities and offering further evidence.[20] Here, I shall discuss only the first paragraph of the complaint made by Śamaśera Bahādura as an example:

19 There is a series of documents relating to the same issue, some 70 manuscripts in all filmed in the NGMPP K-series, including K 118/32, 39, 40–41; K 172/57–58, 63; K 175/32–34, 39, 42–44, 47, 49, 52, 57, 60, 66, 68–69, 71–73, 76–77 and 79–80.

20 See NGMPP K 175/33–34 and other documents mentioned in n. 19.

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> There is no law (*ain*) that grants rice expiation to such a person who accompanies and willingly eats rice with [someone] who has fled after committing adultery with the non-widowed (*sadhavā*) wife of a fourth-generation [male] cousin or with a fourth-generation female cousin. [Such expiation] has never been granted to anyone up till today.

Two issues are seen to be addressed in this statement: (1) adultery committed with either an affinal or blood relation (in this case, with the non-widowed wife of a fourth-generation male cousin or with a fourth-generation female cousin), (2) the impossibility of granting expiation to anybody who willingly has eaten together or had sexual intercourse with an incestuous person.

These two issues are dealt with in the MA of 1854: Adultery committed by a Cord-wearing Kṣatriya is the subject of the 116th article of the Ain (see MA-Ed1 1854: 116), consisting of 21 sections. Section 2 addresses adultery committed with blood relations (*hāḍamā*) traceable back to within seven generations. The punishment for this offence is prescribed as confiscation of the offender's share of property (*aṃśa-sarvasva*), removal of the sacred thread, shaving of the head, forced consumption of liquor and pork, downgrading of caste and exile—towards the west if the guilty party is from the east and vice versa—across the river. Further, rice may not be received from the offender, nor expiation granted him. Water, however, can be received.

The second issue is addressed in the 89th Article of the Ain, on Religious Judges (*dharmādhikārako*).[21] Section 2 of this article, as argued by Śamaśera Bahādura in the first paragraph of his complaint, explicitly directs the *dharmādhikārin* not to grant expiation to those who have deliberately polluted themselves, only to those who have not (*bhorako mātra patiyā dinu*). Further, he should grant expiation to any offender if ordered to do so in a *lālamohara*. For granting expiation to an offender who was not entitled to such, the *dharmādhikārin* could expect to pay a Rs. 500 fine and be dismissed from his post (MA-Ed1 1854: 89 §2).

21 See MA-Ed1 1854: 89 and Michaels 2005: 67–68 and 92.

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Conclusion

As discussed above, the first document was issued to authorize the death penalty imposed on a murderer who had killed someone during an act of theft. It recounts the procedures required for imposing the death penalty in detail. The local court has first to investigate the crime committed and prepare a report suggesting proper punishment after carefully consulting the pertinent articles and sections of the MA. This report is afterwards sent to the king through a higher court called the Iṭācapalī, which adds its own considered observations. It is then approved by the king and is sent on to the commander-in-chief and prime minister. After their approval, a red-seal document is issued by the king to the person in the local court authorized to carry out the death penalty. The court procedures discussed above and direct citations of the pertinent articles and sections of the MA prove that the law code had in fact legal force and was used as a basis for making court decisions. The second document proves that the MA not only was read carefully and applied by judges in the courts but was also consulted by local actors. As shown in the example, Śamaśera Bahādura is very familiar with the MA, each point of his eight-paragraph complaint being made with reference to the relevant articles and sections of the MA. Thus, I conclude that the above-discussed documents answer the question: the MA was not simply a theoretical work like the Dharmaśāstra or Nibandha texts but was indeed meant to serve down-to-earth, practical ends. Further, the MA cannot be understood as a restoration of the Brahmanic moral law. On the contrary, barring the articles on caste hierarchy and impurity, it is much more modern, secular and in line with positive law than the 18th-century Sanskrit law texts in British India.

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Appendix

Editorial Conventions

The texts have been transcribed as faithfully as possible; the orthography, for instance, has not been changed into modern Nepali. Nepali case endings are treated as true suffixes, and Nepali compound verbs have been joined. The *nukta*-sign (as in क़, य़) and middle dot (•)[22] have been silently ignored in the editions. The *daṇḍa* (।) has been supplied to the text as a sentence breaker where necessary. The various types of macrons and lines are uniformly represented by "---".

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Editorial Signs

[ ]	editorial addition
{ }	editorial deletion
[...]	lacuna, breakage
< >	scribal addition

22 This sign in many cases functions as a word separator but it is sometimes also used without any obvious purpose.

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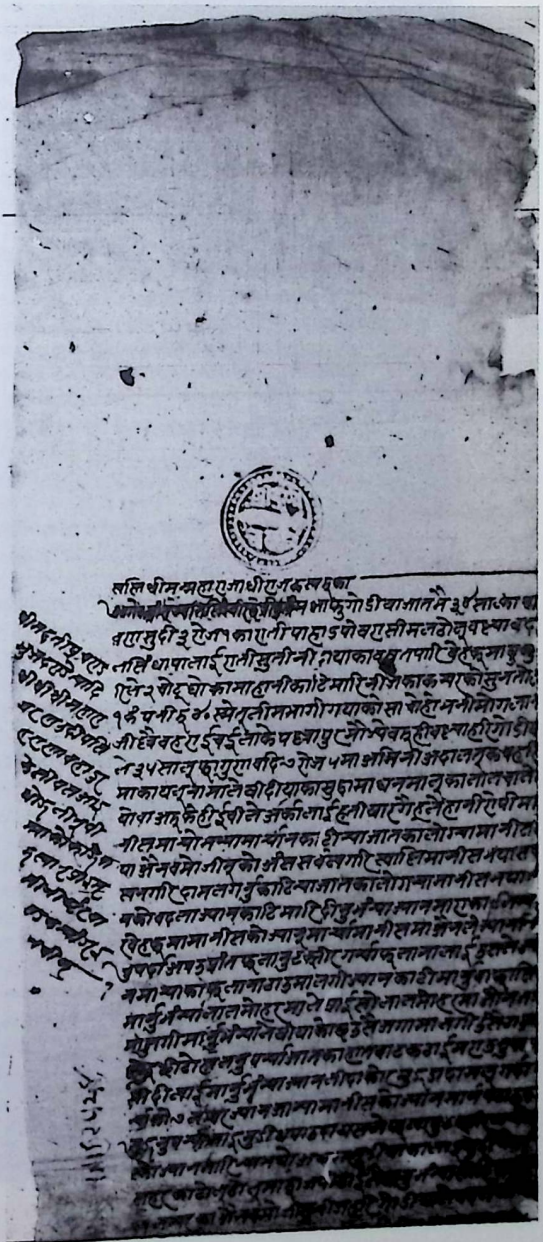
Document 1: A *Rukkā* from King Surendra Ordering the Execution of Hari Goḍīyā for an Act of Homicide

Dated VS 1937, Sunday the 1st of the dark fortnight of Vaiśākha (1880 CE); NAK Ms. no. 425; microfilmed as NGMPP DNA 14/4; for the digital edition, see DOI: https://doi.org/10.11588/diglit.39465.

Facsimile:

Recto, part 1:



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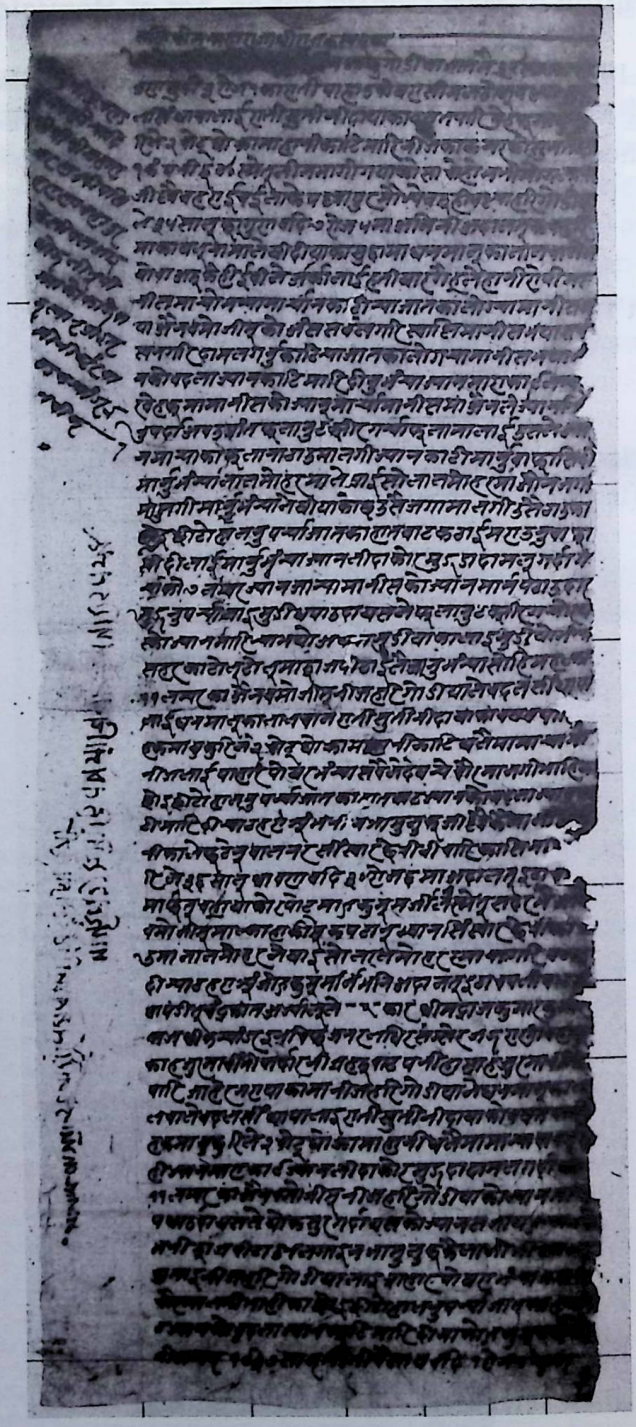
Recto, part 2:



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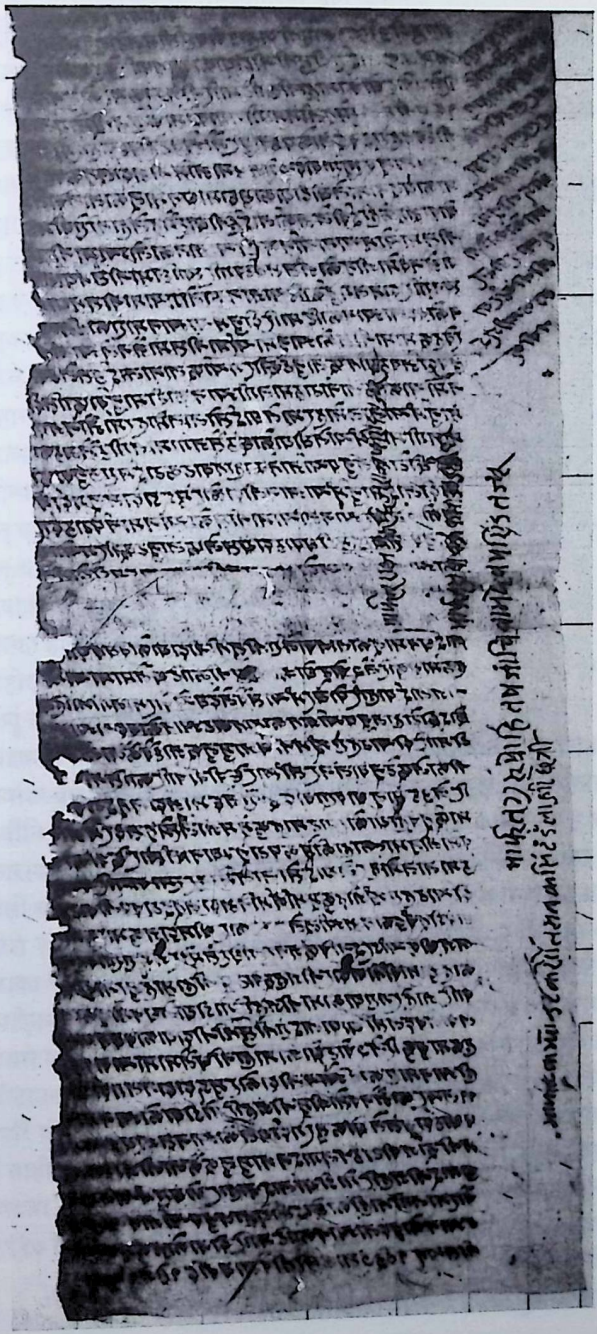
Verso:



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Edition:

[Recto]

श्रीः\

[royal seal]

1 श्रीमद्दृतीप्रचण्ड-
भुजदण्डेत्यादि-
श्रीश्रीश्रीमहारा-
जरणउदीपसिं-
5 हराणावहादुर-
केसीयसआइ-
थोङ्लीन्पी-
म्माकोकाङ्वा-
ङ्स्यान्प्राइम्-
10 मीनीष्टरया-
ण्डक्म्यांडरइ-
नचीफ् ---१[23]

1 स्वस्ति श्रीमन्महाराजाधीराजकस्य रुक्का ---
आगे कसान् म्वानसिं स्वाँर छेत्री प्रती । म आफु गोडीया जात भै ३४ साल्का श्रा-
वण सुदी ३ रोज १ का राती पाहाड पोषरा सीमलटोल् वस्न्या वद-
लसिं थापालाई राती सुती निदायाका वषत पारि वेहक्मा षुकु-
5 रिले २ चोट् घोक्रामा हानी काटि मारि नीजका कम्वरको सुन तोला
१ कंपनी रू ४० स्मेत् ली म भागी गयाको साचो हो भनी मोगलाना
जील्है वहराईच ईलाके पल्हापुर मौज्ये वझही वस्न्या हरि गोडीया-
ले ३५ साल् फागुण वदि ७ रोज ५ मा अमिनी अदालत् कचहरि-
मा कायल्नामा लेषी दियाका मुद्दामा धनमाल्का लालचाले भ-
10 यो वा अरू केही ईवीले अर्कालाई हतीयार गैह्रले हानी रोपी मा-
नीस मार्यो भन्या मार्न्या नकाटीन्या जातका लोग्न्या मानीस भ-
या ऐनवमोजिम्को अंससर्वस्व गरि स्वास्नि मानीस भया सर्व-
स्व नगरि दामल गर्नु काटिन्या जातको लोग्न्या मानिस भया [ज्या]-
नको वदला ज्यान काटि मारिदीनु भंन्या ज्यानमाराका ९ लम्व-
15 र वेहक्मा मानीसको ज्यान् मार्या मानीसमा ऐनले ज्यान लि-
नुपर्दा अव उप्रांत फलानु टक्सीर[24] गर्न्या फलानालाई उसले ज्या-

23 This has been written in the left-hand margin.
24 For *taksīra*.

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न मार्याका फलाना ठाउमा लगी ज्यान काटी मार्नु वा फासि दी
मार्नु भंन्या लालमोहरमा लेषाई सो लालमोहरमा जौन जगा-
मा लगी मार्नु भंन्या लेषीयाको छ उसै जगामा लगी उसै ठाउका
छोइ छीटो हालनु पर्न्या जातका हातवाट कटाई मराउनु वा फा-
सी दीलाई मार्नु भंन्या ज्यान लीदाको र मुड्दा दामल् गर्दा ग-
र्न्याको ७ लम्वर ज्यान जान्या मानीसको ज्यान मार्न पठाउदा र
मुड्नु पर्न्यालाइ मुडी धपाउदा यसले फलानु टक्सीर[25] गर्यो र यस्को
ज्यान मारिन्या भयो अथवा मुडीयाकालाइ मुडीयो भंन्या
सहरका टोल् टोल्मा झाज पीटाइ लैजानु भंन्या सोहि महल्का
११ लम्वरका ऐनवमोजीम् नीज हरि गोडीयाले वदलसीं थापा-
लाई धनमाल्का लालचाले राती सुती निदायाका वषत पा[रि वे]-
हकमा षुकुरिले २ चोट् घोक्रामा हानी काटि थलैमा मार्यामा
नीजलाई पाहार पोषर भंन्या सवैले देषन्ये चौरमा लगी ताहिका
छोइ छीटो हालनु पर्न्या जातका हातवाट ज्यानको वदला ज्यान
काटी मारिदीन्या ठहराञ्यूं भनी नञा मुलुक् जिल्लै कैलाली अमी-
नीका लेफ्टेन् वालनरसीं स्वार छेत्री वीचारि कासिनाथ [...]-
रिले ३६ साल् श्रावण वदि ३० रोज ६ मा अदालत् इटाचप[लि]-
मार्फत् चह्रायाको रपोट्मा हुकुम् मर्जीले स्मेत् सदर भै आया-
वमोजीम् माल्का हाकीम् कपटान् म्वानसिं स्वार छेत्रीका ना-
उमा लालमोहोर लेषाइ सो लालमोहर रमाना गरि पठाइ-
दीन्या ठहराञ्यूं जो हुकुम् मर्जि भनि अदालत् इटाचपलीवाट सु-
व्वा पंडीत् चंद्रकांत अर्ज्याल्ले ---१---का र श्रीमद्राजकुमार कुमारा-
त्मज श्री कम्यांडर इन चिफ् जनरल धिर संम्सेर जङ् राणा वहादुर-
का हजुरमा वींति पार्दा र नीजहरूवाट पनी हाम्रा हजुरमा वींति
पारि जाहेर गरायाकामा नीज हरि गोडीयाले धनमाल्का ला-
लचाले वदलसीं थापालाइ राती सुती नीदायाको वषत पारि वे-
हकमा षुकुरिले २ चोट् घोक्रामा हानी थलैमा मार्यावावत सो-
ही ज्यानमाराका ९ ज्यान लीदाको र मुड्दा दामल गर्दाको [...]
११ लम्वरका ऐनवमोजीम् नीज हरि गोडीयाको ज्यान मार्न
पथाउदा[26] यसले यो कसुर गर्दा यसको ज्यान सजाय हुन्या भयो
भनी झाज पीटाउन लगाइ नञा मुलुक् कैलाली जील्लाभर
घुमाइ निज हरि गोडीयालाइ चाहार[27] पोषरा भंन्या जगाका
चौरमा लगी ताहीका छोइ छीटो हालनु पर्न्या जातका हातवा-
ट ज्यानको वदला ज्यान काटि मारिदीनाको हुकुम् वक्स्यौ। इ-
ती सम्वत् १९३७ साल् मीती वैसाष वदि १ रोज १ शुभम्।

25 For *taksīra*.
26 For *paṭhāudā*.
27 For *pāhāra*.

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[Verso]

मार्फत् राजगुरु द्विजराज पण्डित ज्यू
मार्फत् सुव्वा चन्द्रकान्त अर्ज्याल्
मार्फत् गुरु प्रोहित षजांचि वामदेव पण्डितज्यू
मार्फत् कम्यांन्डर कर्णेल सनकसिं टंडँलाहुरि छेत्री

Translation:

[Recto]

Śrī[28]

[royal seal]

The thrice venerable great king, who is mighty and has an arm like a staff etc., KCSI, Thong Ling Pinma-Ko Kang-Wang-Syang, Prime Minister and Commander-in-Chief Raṇoddīpa Siṃha Rāṇā Bahādura[29] ---1[30]

Hail. [This is] a *rukkā* (missive) of the supreme king of great kings.

To Captain Mvāna Siṃ Svā̃ra Chetrī.

Āge:[31] Regarding the trial of Hari Goḍīyā, residing in the *maujye*[32] of Bajhahī, Pallāpura, Baharāīca, Mogalānā: On Thursday, the 7th of the dark fortnight of Phālguna in the [Vikrama] era year [19]35 (1879 CE), [the accused] confessed his guilt in writing at the Aminī, Adālata and Kacaharī [courts], stating: "It is true that on Sunday, the 1st of the bright

28 Word of blessing, can be used as *apprecatio*, in which case it means "good fortune" (Pant/Pierce 1989: 12), can be used as a prefix to names, in which case it means "venerable". The number of *śrīs* used varies, depending on context.
29 The text reads Raṇa Uddīpa.
30 According to R. Shaha (1990: II, 257) this title was first awarded to Prime Minister Jaṅga Bahādura Rāṇā in 1871 by the Chinese Emperor and means: "… the Highly Honoured Commander and Instructor (disciplinarian) of the Army, the Aggrandizer of the Country and the Satisfier of the Low and High by Increasing the Reputation and Revenue of the Country" (Shaha 1990: II, 257–258).
31 Lit. "henceforward". It is especially used in administrative and legal documents to mark the beginning of a text or paragraph. In its function, it is similar to *uprānta*.
32 Unit of land revenue administration in the Tarai revenue subdivision constituted by a group of villages in some hill districts and the Kathmandu Valley.

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fortnight of Śrāvaṇa in the [Vikrama] era year [19]34 (1877 CE) I, a member of the Goḍīyā caste, killed Vadala Siṃ Thāpā, residing in Sīmala Ṭola, Pāhāra Pokharā, during the night while he was sleeping by stabbing [him in] the throat twice with a (*khukurī*) and then fled with 1 *tolā* of gold and [East India] Company Rs. 40 which he had at his waist". On Saturday, the 30th of the dark fortnight of Śrāvaṇa in the [Vikrama] era year [19]36 (1879 CE), Lieutenant (text: *lephṭen*) Bālanarasiṃ[33] Svāra Chetrī and Bicārī Kāśinātha [...]ri of the Kailali Aminī, [in] the new territory, submitted the following report through the Iṭācapalī Court [to the king]: "Since Hari Goḍīyā, out of greed for property, killed Vadala Siṃ Thāpā at his place of residence by stabbing [him in] the throat twice during the night while he was sleeping, we have determined to sentence him to death: to take him to the grounds called Pāhāra Pokharā where the public can witness his beheading—of taking life for life—at the hand of a local Untouchable caste member in accordance with the following law: '[1] Section 9 of [the article] on homicide: If a person kills another person out of greed for property or for any other reason by striking or stabbing him with a weapon or the like, the offender—if he is a man from a caste whose members cannot be put to death—shall in accordance with the *Ain* have all his property confiscated and undergo the *dāmala* punishment; whilst if the offender is a woman, she shall undergo the *dāmala* punishment but without having her property confiscated; whilst if the offender is a man from a caste whose members can be put to death, he shall be executed.' [2] Section 7 on executing, shaving and *dāmala*: 'When the law calls for putting an offender guilty of homicide to death, from now on a *lālamohara* shall be issued stating that such and such a person who has committed the crime shall be executed by beheading or hanging in such and such place, [the place] where he took [the other's] life. The offender shall be taken to the place mentioned in the *lālamohara* and executed by beheading or hanging at the hand of a local Untouchable caste member.'"

[Then] Subbā Paṇḍita Candrakānta Arjyāla (text: Caṃdrakāṃta) on behalf of the Iṭācapalī Court submitted a request to -1- (i.e. Prime Minister and Commander-in-Chief Raṇoddīpa Siṃha) and Venerable Prince born of a prince and Commander-in-Chief Dhīra Śamśera Jaṅga Rāṇā Bahādura, stating: "[The above-mentioned] report has

33 Text: Bālanarasīṃ.

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been approved by order [of the king], so that we have decided that a *lālamohara* shall be issued to the chief of the Māla [Aḍḍā], Captain (text: *kaptāna*) Mvāna Siṃ Svā̃ra Chetrī, and to send it off. Whatever you wish, [please] order." [Deciding upon the request submitted,] they too have ordered as follows: "Regarding the trial which came to our attention [through the request sent by the [Iṭācapalī Court], we have given the order to sentence Hari Goḍīyā to death as punishment for his having committed the crime: to take [him] with sounding cymbals throughout the new territory of Kailali district and to the grounds called Pāhāra Pokharā and [there] to behead him at the hand of a local Untouchable caste member in accordance with Sections 9 on homicide and 9 (sic) and 11 on executing, shaving and *dāmala*—Hari Goḍīyā, who out of greed for property killed [Vadala Siṃ Thāpā] unlawfully during the night while he was sleeping by stabbing him twice in the throat with a *khukurī*."

On Sunday, the 1st of the dark fortnight of Vaiśākha in the [Vikrama] era year 1937 (1880 CE). [May it be] auspicious.

[Verso]

Through (*mārphat*) Rājaguru Dvijarāja Paṇḍita
Through Subbā Candrakānta Arjyāla
Through Khajāncī Vāmadeva Paṇḍita
Through Commander Colonel Sanaka Siṃ Taṃḍālāhuri Chetrī

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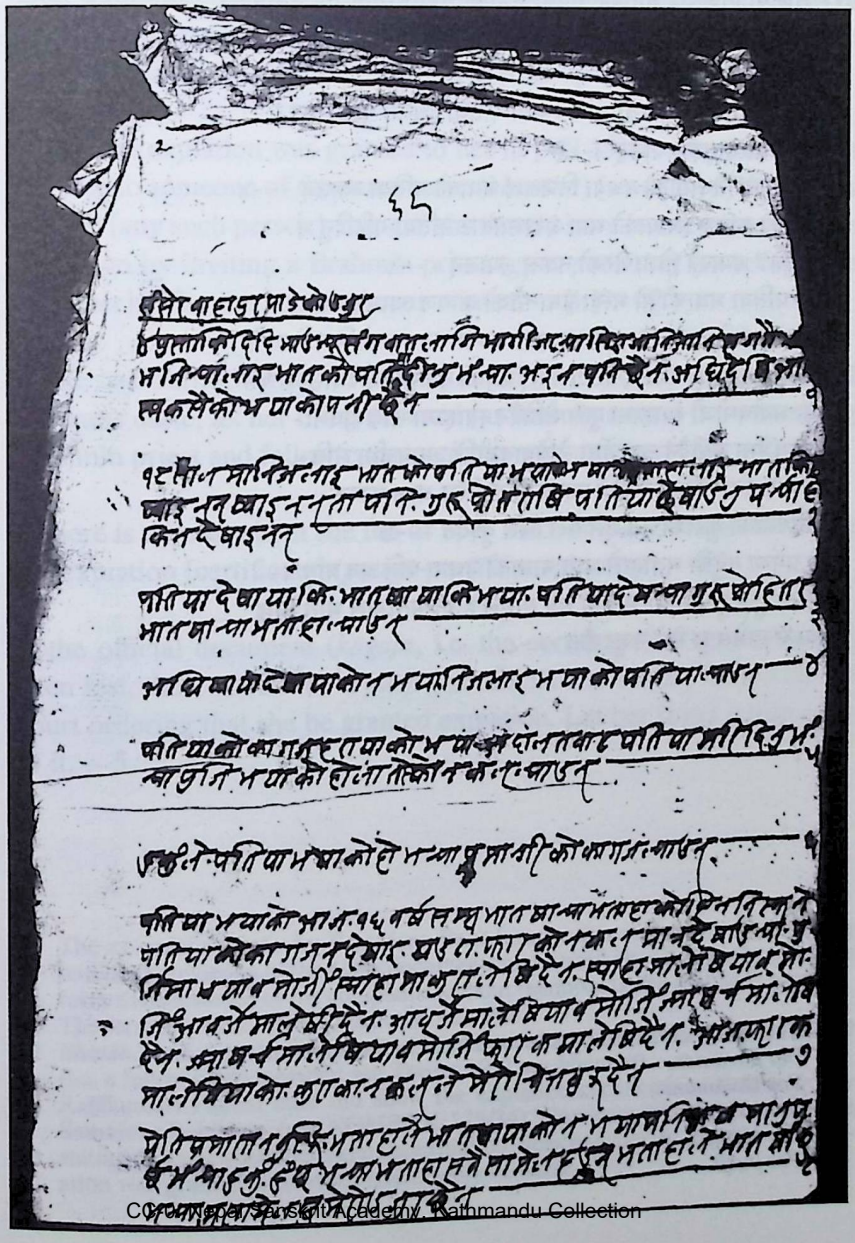
Document 2: A Complaint Made by Śamaśera Bahādura Pāḍe re the Rājakumārī Pāḍenī Case

Undated, ca. VS 1934 (ca. 1877 CE); Guṭhī Saṃsthāna card no. 2; Guthi Jamina Vivāda; Ka. Po. 15 Gu. Bam; microfilmed as NGMPP K 175/18; for the digital edition, see DOI: https://doi.org/10.11588/diglit.39466.

Facsimile:



Courtesy of Nepal Rashtriya Academy, Kathmandu Collection

Edition:

६६[34]

संसेर वाहादुर पाडेको उजुर
४ पुस्ताकि दिदि [र] भाउज्यूसंग वात लागि भागी जान्यासित जानि जानि सग गै [भातमा]
भतिन्यालाइ भातको पति<या> दीनु भन्या अइन पनि छैन अधिदेषि आ[ज]-
स्म कसैको भयाको पनी छैन ---१
१८ सालमा निजलाइ भातको पतिया भयाको भया भताहालाइ भात किन
ष्वाइनन्[35] । ष्वाइनन्[36] तापनि गुरुप्रोहित राषि पतिया देषाउनु पर्न्या हो
किन देषाइनन् ---२
पतिया देषायाकि भात ष्वायाकि[37] भया पतिया देषन्या गुरुप्रोहित र
भात षान्या भताहा ल्याउन् ---३
अधि ष्वाया[38] देषायाको नभया निजलाइ भयाको पतिया ल्याउन् ---४
पतियाको कागज हरायाको भया अदालतवाट पतिया गरिदिनु भं-
न्या पुजि[39] भयाको होला तेस्को नकल् ल्याउन् ---५
हुकुंले पतिया भयाको हो भन्या प्रमान्गीको कागज ल्याउन् ---६
पतिया भयाको आज १६ वर्षसम्म भात षान्या भताहा कोहि ननिस्कने
पतियाको कागज् नदेषाइ यउटा फार[क]को नकल्मात्र देषाउन्या पु-
र्जिमा भयावमोजीं स्याहामा कुरा लेषिदैन स्याहामा लेखियावमो-
जिं आवर्जेमा लेषीदैन आवर्जेमा लेषियावमोजिं ज्माषर्चमा लेषि-
दैन ज्माषर्चमा लेषियावमोजिं फारकमा लेषीदैन आज फारक-
मा लेषियाको कुराका नक्कल्ले मेरो चित्त वुझ्दैन ---७
येति प्रमाण नवुझि भताहाले भात षायाको नभया पनि अव षानु प-
र्छ भंन्या हुकुं हुंछ भन्या भताहा सवै सामेल हउन् भताहाले भात षांछु
भन्या म सामेल छु मेरो उजुर छैन ---८

34 This has been added by a second hand in the upper margin.
35 For *khvāinan.*
36 For *khvāinan.*
37 For *khvāyāki.*
38 For *khvāyā.*
39 For *purjī.*

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Translation:

66

A complaint made by Śamaśera Bahādura Pāḍe.[40]

There is no *Ain*[41] that grants rice expiation (*patiyā*) to such a person who accompanies and willingly eats rice with [someone] who has fled after committing adultery with the [non-widowed] (*sadhavā*) wife of a 4th-generation cousin and with a 4th-generation female cousin. [Such expiation] has never been granted to anyone up till today. ---1

If the rice expiation was granted to her in [VS 19]18, why has she not fed rice to someone of the same caste (*bhatāhā*) [since then]?[42] She has not fed [any such person], but still she should have borne witness to the expiation by inviting a Brahmin priest (*guru purohita*) [to accept rice from her]. Why has she not borne witness to [it]? ---2

If she has borne witness to the expiation [or] fed rice to someone of the same caste, let her bring forward [as corroborators] the witnessing Brahmin priest and fellow caste member who ate [her] rice. ---3

If there is no one whom she fed or bore witness to earlier, let her bring the expiation [certificate] (*patiyā-purjī*) issued to her. ---4[43]

If the official document (*kāgaja*, i.e. the certificate) of expiation has been lost, there should be a *purjī* (an official short note) issued by the court ordering that she be granted expiation. Let her bring a true copy of it. ---5

40 The complaint made by Śamaśera Bahādura in this document is confusing without knowledge of the other documents mentioned above, since he only sets forth the substance of his complaint without mentioning the accused's name.

41 The term *Ain* here refers to the code of 1854.

42 *Bhatāhā* is a person with whom one can eat rice without being contaminated (i.e. a fellow caste member; see Turner 1931 s.v. *bhatāhā*).

43 Rajākumārī Pāḍenī later did show the expiation certificate as demanded by Śamaśera Bahādura (see NGMPP K 175/34). However, this certificate, while stating that she has undertaken the expiation, does not specify whether the expiation was granted in terms of rice or only of water.

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If the expiation was undertaken by official order (*hukumale*), let her bring the official document (*kāgaja*) of the *pramāṃgī*.[44] ---6

No fellow-caste member who has eaten rice [with her] has showed up until today, 16 years after the expiation took place. [Is it enough] to show a copy of the *phāraka*[45] without showing the official document relating to the expiation? The matter is not recorded in the *syāhā*[46] the way it is in the *purjī*, nor is it recorded in the *āvarje*[47] the way it is in the *syāhā*. [Furthermore,] it is not recorded in the [account book containing] total expenditures (*jammā kharca*) the way it is in *āvarje*, nor is it recorded in the *phāraka* the way it is in the [account book containing] total expenditures. Now, I cannot be satisfied only with a copy of what is written in the *phāraka*. ---7

If, irrespective of whether a fellow caste member has eaten rice with her or not, you [still] give [me] an order to eat [rice with her] without having made an inquiry into the [above-mentioned] evidence, I will, assuming all fellow caste members are present there and are ready to eat rice with her, also be present. I have no complaint [in that case]. ---8

[In VS 1934].[48]

44 A *pramāṃgī* is an order or authorization letter from the king or a high-ranking government official. As discussed above in the Notes, such documents are issued when something is to be done that is not in accordance with the law. Such orders have to be in written form and approved. In one instance (NGMPP K 499/41), the *pramāṃgī* was approved with the signature and stamp of a Pramāṃgī Kaptan, which indicates that there was a position specifically responsible for such kinds of orders.

45 The meaning of this term is not entirely clear. It may refer to a written receipt or acquittance, releasing the party from all claims (see NGMPP DNA 11/35).

46 Adhikari 1984: 357 defines this term as "Account book, Cash book." To what stage of account keeping it exactly refers remains unclear.

47 According to Wilson (1855: 40 s.v. *awārija*), this term denotes "a diary, a ledger, a rough note-book, an abstract account of receipts and disbursements." This suggests that the term *jammā kharca* designates account books recording income and expenditures over a longer period of time, whereas *āvarje* may have been a list recording income on a daily basis.

48 Though the date of this document is not mentioned, it can be ascertained. The expiation of Rājakumārī Pādenī took place on Tuesday, the ninth of the dark fortnight of Mārga in VS 1918 (see the 2nd and 6th paragraphs of this document, NGMPP K 175/32 and NGMPP K 175/34) and Śamaśera Bahādura submitted his complaint 16 years after the expiation, that is, in VS 1934.

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Abbreviations

MA	*Mulukī Ain*
NBŚ	*Nepālī Bṛhat Śabdakośa*
NGMPP	*Nepal-German Manuscript Preservation Project*
NyāV	*Nyāyavavikāsinī*
VS	Vikrama Saṃvat

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Are Hindu Women Allowed to Erect a *Śivaliṅga*? A Question Asked in a Letter to Jaṅga Bahādura Rāṇā, Dated 1863 CE[1]

Axel Michaels

Introduction

In 1863, a Brahman named Jīvanātha Śarmā sent a letter from Benares to Prime Minister Jaṅga Bahādura Rāṇā, the then factual ruler of Nepal. In this letter (see Appendix; NGMPP DNA 4/18) Jīvanātha reports on a dispute between Paṇḍitas of a *dharmasabhā* in Benares on the question whether a woman should be allowed to erect independently a *śivaliṅga* by touching it (*liṅgasthāpana* and *liṅgasparśana*).

This document opens up a number of questions that have to be contextualized. They concern the position of women in society and ritual, the relationship between Kathmandu and Kāśī, or Nepal and British India, the function of Paṇḍitas in religious and political affairs in and at the periphery of the colonial empire, and the authority of the Great Tradition, in particular the Dharmaśāstra, in shaping a nation.

The Document

After the *praśasti*, Jīvanātha Śarmā, apparently a Brahman in service of Jaṅga Bahādura Rāṇā's administration based in Benares, refers in his letter (*patra*) to a *rukkā*, a short royal note, which he had previously

1 Many thanks are due to Manik Bajracharya and Rajan Khatiwoda for helping me better understand the document(s), Simon Cubelic for invaluable hints to further material, Vasudha Dalmia for facilitating the access to the KVS, and Philip Pierce for improving my English.

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received from him and in which Jaṅga had shown a heavy grief because of the dispute on establishing a *śivaliṅga* by women. Jīvanātha then tries to explain the complex situation. First he complains about the Paṇḍitas in general who never admit mistakes and always keep on fighting, so that a mediator has to be appointed. In the concrete case, Jaṅga had indeed fixed the "king on the other side (*pāravāla*, i.e. Rāmnagar on the other side of the Gaṅgā) and his *dharmasabhā*" as such. Jīvanātha explains how the dispute among the Paṇḍitas evolved. One side insisted that there are so many mandatory injunctions in the *smṛti* prohibiting women to act independently in any ritual unless they have the order of the husband, have performed their *saṃskāra* (i.e. are married) or have been initiated (for the daily worship).

However, says Jīvanātha, the famous Paṇḍitas Rājārāma Śāstrī and Bāla Śāstrī objected this position, stood up in the *dharmasabhā* and went home. On the next day they returned with a *paddhati* in which it was written that no *yajamāna*, male or female, is allowed to do any work by his or her own hand but only through the hand of a priest. However, the assembly rejected this text. Apparently, both Paṇḍitas then were upset and

> ... sent [a message back] through the reputable (*mahājana*, lit. great person) Harican Bābu, who said: "If you want your *vyavasthāpatra*[2] (a written extract from the Dharmaśāstra, given in a decision by the Paṇḍitas) criticized, send it to our houses. We will return it to you after criticizing it [ourselves]." The Paṇḍitas sitting in the *dharmasabhā* replied: "Let them (the two Śāstrīs) send a *vyavasthāpatra* which denies permission; we will in turn criticize [their decision]."

The King of Benares then complained:

> "What proof is consensus [reached] among such biased Paṇḍitas? They need not agree. I don't expect any consensus from them. Prepare the *vyavasthāpatra*!"
> [Thus] the king from the other side ordered a *vyavasthāpatra*, which was dispatched to you. Through this everything will be

2 *Vyavasthāpatra* is a "discourse on controversial questions of Hindu law" (Sen/Mishra 1951: 1) or a written extract from the Dharmaśāstra, given in a decision by the Paṇḍitas or Dharmaśāstrins; see also Regmi 1983: 114, and Subhadra Sharma's *Dharmaśāstrīya-vyavasthā-saṃgraha* (1957).

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known. From now on whenever the king on the other side—who has himself no interest in money or cowries—assembles all the Paṇḍitas in his *dharmasabhā* and a decision is made through consensus among [those] Paṇḍitas, then this is [enough] proof. [By contrast,] a *vyavasthāpatra* signed by persons of one's own liking who have agreed after taking bribes cannot be considered as proof. If given a lot of money, today's Paṇḍitas agree on all topics. They don't think about what *dharma* is and [what] *adharma* [is].

In petty things they have reached consensus on both sides at various places. In something of very great importance, too, they once took money and reached consensus in a *vyavasthāpatra* to the king of Jaipur, saying that the doctrine of Rāmānuja ascetics (*raṅgācāri*) is not taught in the Veda. After the *raṅgācāris* gave [them] a lot of money, they (the Paṇḍitas) also reached consensus in a *vyavasthāpatra* to the *raṅgācāris*, saying that the doctrine of Rāmānuja is taught in the Veda. They are ones who agree because of money; they do not consider the *dharma*.

Finally, Jīvanātha says that already *vyavasthāpatras* from three other places have been sent to him and summarizes:

As long as a clear prohibition is not found in the *smṛti* to the effect, explicitly, that women have absolutely no right [to establish a *śivaliṅga*] regardless of their husband's orders, of their being married and of their having heard the mantra (of initiation), it seems to me that you should not have any doubt regarding the customs which have always been practiced. After all, you are the knowledgeable one. Your orders are [always] correct. What more can I say?

My suffering and poverty will disappear if you cast your compassionate eyes on me saying: "He is my well-wisher." ... May it be auspicious.

The Persons

Who were the persons mentioned in the document? We do not exactly know who Jīvanātha was. In another (unfortunately undated) letter (NGMPP DNA 1/116) sent by him to Jaṅga Bahādura Rāṇā he asks

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for his lifelong annual remuneration. From this *patra* it is clear that he worked for the Nepalese administration at least since VS 1917, Vaiśāka *badi* 11 (1860 CE). He also wanted to erect himself a Śiva temple in Benares and requested King Rājendra Vikrama Śāha to donate for this (NGMPP DNA 6/59, undated).

About the two Paṇḍitas in Benares, we know from Bāladeva Upādhyāya's *Kāśī kī pāṇḍitya paramparā* (1983) that both Paṇḍitas were most likely Citapavan Brahmans from Maharasthra/Konkona. Rājārāma Śāstrī (1805–1875) was a professor at Benares College (Dodson 2010: 179) and a judge who was often asked for advice. He composed many *vyavasthās* and the *Vidhavodvāhaśaṅkā*. It is heard that he had once come to Nepal where he was invited to the palace and had a discussion with Paṇḍitas for several days, in which he finally could win. He was not only a Paṇḍita but also a boxer (*kuśtīvāja*) and he even had a boxing competition in Nepal, which he also won (Upādhyāya 1983: 161). It seems that he was in favour of re-marriage (ibid.: 164) and a large number of Paṇḍitas backed him in this respect (see ibid.: 164–165, for the list of their names). He was appointed as a judge at the court (*kacaharī*) of Ājamagaḍha by John Muir. Later, he was appointed as a judge (*nyāyādhīśa*) at the Divānī Kacaharī in the same place (ibid.: 159).

His disciple Bāla Śāstrī (1839–1882) wrote in 1869 an extensive commentary on a *vyavasthā* of 1855 regarding the invalidity of remarriage of widows at the request of a group of Bengalis in Calcutta: *Vidhavodvāhaśaṅkhāsamādhi* [a proof on the subject of widow remarriage], Benares: Medical Hall Press, 1869 (Dodson 2010: 181); he participated in the 1869 *śāstrārtha* with Dayānand Sarasvatī and was a member of the Literary Society of Benares Pandits (also known as the Brahmāmṛtā Vṛṣiṇī Sabhā). The king of Kāśī, Īśvarī Prasāda Nārāyaṇa Siṃha, respected him highly (Upādhyāya 1983: 186) and never agreed upon any decision if it was not consented by Bāla Śāstrī (ibid.: 186). He had no descendant but he adopted a Brahman boy who was four years old (ibid.: 189). When Queen Victoria was adorned by the Great Queen of India, he had composed a *praśasti* (ibid.: 192).

Both Paṇḍitas belonged to the well-known Paṇḍitas of Benares (Dodson 2010: 173); signed a short exposition in Sanskrit in the Benares College journal *The Pandit* (2.24, 1868, pp. 271–272), established 1866, applauding a reputed cure of leprosy (Dodson 2010: 177). Both were members of the Kāśī Dharmasabhā, which was founded in 1869 or early 1870 by the king (*mahārāja*) of Benares (Dodson 2010: 181; see Tripāṭhī 1871a, 1871b). Its members (*parīkṣāsahāyaka*) are listed

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in *The Pandit* vol. 5.56 (Jan. 1871), pp. 205–206. Among them is also Bhāratendu Hariścandra (9 Sept. 1850–6 Jan. 1885), the so-called father of Hindī literature, but not Rājārāma Śāstrī and Bāla Śāstrī, the two Paṇḍitas mentioned in the *rukkā*. Hariścandra might be the "great person (*mahājan*)" Harican Bābu mentioned in the *rukkā* as a helper of the two Paṇḍitas. However, there is a problem of the date. For, the *rukkā* is from VS 1920 (1863), when Hariścandra was only 13 years old.

We therefore could give up this hypothesis if there were not an intriguing article in the journal *Kavivacanasudhā* (KVS), "A Bi-monthly Journal of Literature, News and Politics", established by Bhāratendu Hariścandra in 1868. In the issue of Saturday, November 25, 1871, pp. 54–55, it is written (most probably by Hariścandra himself) that a certain Nīladeva Pantha from Nepal[3] has brought up the same issue that was discussed in Jīvanātha's *rukkā* (see Dalmia 1997: 357f.). We learn from this article that the case was decided arguing that women have no right for an independent (*svahasta*) *liṅgasthāpana* and that every man agreed on this conclusion apart from Candraśekhara Bastirāma. The Paṇḍitas had consulted the following Dharmaśāstra texts, mostly Nibandhas:

> *Nirṇayasindhu, Dharmasindhu, Puruṣārthacintāmaṇi, Mayūkha, [Smṛti?] Candrikā, Pratiṣṭhākaumudī, Raghunandanakṛta-Pratiṣṭhātatva, Tristhalīsetu, Liṅgārcanacandrikā, Śivārcanacandrikā, Nṛsiṃhaprasāda, Mīmāṃsaka-Rāmakṛṣṇabhaṭṭakṛta-Liṅgapratiṣṭhāpaddhati* etc.
> (KVS Saturday, November 25, 1871, p. 54)

However, since Bastirāma (*śrīpaṇḍitavastīrāmadvivedaḥ*), the "errant pandit", as Vasudha Dalmia (1997: 358) calls him in a short remark on this incidence, did not agree to this, the Paṇḍitas addressed the king in a public letter. They reported that when the final decision had to be taken by the king, suddenly Bastirāma was invited by the *dharmasabhā*. However, he could not give any proof neither by referring to Gauḍa (Bengal) or South Indian Brahmans nor by any Nibandha. In the discussion he apparently said that the right to establish a *liṅga* by women is the practice of the Gauḍas, but others said that it is up to the king to decide. The Paṇḍitas came back to this debate thinking that it is not

3 *nepāla se liṅgapratiṣṭhāpanādhikāraviṣayakapraśna paṇḍita nīladevapantha* (KVS, vol. III, no. 7, 25 November 1871, p. 54). The Paṇḍita is supposed to have come from Palpa (oral communication by Rajan Khatiwoda).

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lawful to decide without consulting any valid Nibandha (as Bastirāma did). They wrote that they had disputed this in the *dharmasabhā* being afraid of *adharma* and the denigration such an uncultured *sabhā* would get. They requested him (to decide) that it is completely against the *dharma* if women are allowed to establish a *liṅga*, and that it would be unlucky and defaming to send such a *vyavasthā* to the other land (*deśāntara*, i.e. Nepal).

The article in the *Kavivacanasudhā* ends with this notification:

> *aneka koṭi sāṣṭāṅgadaṇḍavatpraṇāmānantara.*
> *paṃ. Bastīrāma tārācaraṇādikam log sab kal rāmnagar gae the para unko kāśīrāj ne pher diyā aur kahā ki jab tak bābū na kaheṅgeṃ maiṃ kuch na mānuṃgā aur yah bhī kahā ki yadi śrībālaśāstrī ka sammat nahiṃ hai to mujhe āyaha nahiṃ āj se lekar āṭh din tak barābar nitya dharmasabhā meṃ baiṭh ke vicāra karo jo siddhānta ho us par saṃmati karo.*
> *ab bicār karnā cāhie aur maiṃ us vicār kā madhyastha huṃgā.*

> With several crores of eight-point stick-like salutations.[4]
> Paṇḍita Bastirāma and Tārācaraṇa etc. yesterday went to Rāmnagar [but] the king of Kāśī sent them back saying that he will not agree as long as Bābu (Hariścandra) does not agree. He also said: "If Bāla Śāstrī doesn't agree, I have nothing to say. Starting from today, consider this matter in the *dharmasabhā* repeatedly, every day for eight days. Whatever conclusion will be made, give a consensus on it."
> Now we should consider this and I (Hariścandra) should be the mediator in this [matter].[5]

As this case is so similar to the *rukkā* document, one wonders whether we are not talking about the same thing. However, the date of Jīvanātha's letter is quite clearly readable as (VS) 1920 (1863 CE). If this date stays, "Harican Bābu" can hardly be Bhāratendu Hariścandra. And we must assume that the case of 1863 was still pending in 1871.

4 A greeting gesture involving making ground contact with eight body parts while stretched out at full length face-down.
5 This is also quoted in Upādhyāya 1983: 186.

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The Conflict

Why did Jaṅga Bahādura Rāṇā contact the king of Benares for an advice in the *liṅgasthāpana* question? I first assumed that there would be perhaps a particular case to which the document refers, but the only incident, which came to my mind, is the Sāṃrājyeśvara Mahādeva temple, better known as Lalitā Temple in Benares, erected in 1843 by King Rājendra Vikrama Śāha (r. 1816–1847) and his son Surendra (r. 1847–1881) in the name of senior queen Sāṃrājya Lakṣmī Devī (see Gaenszle 2008: 308); this temple, however, could not come into question because of the time gap of almost twenty years.[6]

After all, establishing and worshipping a *liṅga* by women is common practice in Nepal—since Licchavi time. Not only are there numerous inscriptions[7] verifying exactly this but we also find a description of the procedure in the popular *Svasthānī Vratakathā* (p. 4):

> *yasa kramale māghaśukla pūrṇimāko dina āepachi kathā samāpta garī ārśī (tāmāko thālī) mā oṃkāra lekhī śabda bāluvāko śivaliṅga banāī sthāpana garnu ra jau tila akṣatā belīpuṣpa yajña-sūtra pāna supārī mapuvā battī aru pani …*
>
> Likewise, on the full moon day of the bright fortnight of Māgha, [women] should finish the recitation of the story [of the Goddess

6 In RRS 21.6 (June 1989): 76, we find evidence of a Śiva temple established by the "Dharmadhikara Gururaj Pandit Nagendra Raj Pandit" in the Mangalagauro area of Kāśī, dated Caitra *sudi* 9, VS 1912 (= RRC 66, pp. 157–160).

7 See, for example, RRS 2.7 (July 1970): 158: "The Shivalinga inscription (460 Samvat or 540 AD) near the Pashupati temple as installed by a woman called Abhiri. In this inscription, Abhiri has referred to Bhauma Gupta as her son. This inscription was installed by Abhiri along with a Shivalinga in the name of her husband. The Shivalinga is named Anuparameshwara. It is possible that the Shivalinga was named after the husband of Abhiri. This shows that Bhauma Gupta's father was called Anuparama. However, Abhiri has not referred to her husband by name. She has referred to him only as the son of Paramabhimani. The name Anuparama occurs in another inscription also, found in front of the Satya Narayan temple at Handigaun in Kathmandu. The inscription, which has been inscribed on a Garuda Pillar, contains verses meant to propitiate Vyasa. It then states that the verses were composed by Anuparama." See also Vajrācārya/Śreṣṭha 1980: 567–572, no. 158; RRC vol. 66, pp. 59–60; and Michaels 1994: 73–77, table 1b, nos. 6–8, 23–24, 28–29, 32–35, 66–72, 87, 103, and 106. It is also not a problem when women let a temple be built by granting land, e.g. Dīrgha Laxmī Devī, wife of Captain Bīrabhadra Kūvara Rāṇā, had built the temple of Śrī Dīrghabhakteśvara Mahādeva and Śrī Hemamukteśavara Mahādeva near the Pacali Bhairava Temple at the banks of the Bagmati river in Kathmandu, Jyeṣṭha *sudi* 3, VS 1912 (RRC vol. 66, pp. 59–60).

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> Svasthānī] and [then], having written [on the ground] the *oṃ* [sign], establish a *śivaliṅga* out of pure sand and establish it. [After that they] should offer each 108 barley seeds, sesamum seeds, *akṣatā*, flowers, sacred-threads, *pān*, betel nuts ... etc. ...

This practice stands in contradiction to the many prohibitive injunctions in the Nibandhas, which limit the right (*adhikāra*) for women establishing a *liṅga* and of which I quote only one from the *Tristhalīsetu*:[8]

> *yadā pratiṣṭhitaṃ liṅgaṃ mantravidbhir yathāvidhi,*
> *tadā prabhṛti śūdraś ca yoṣid vāpi na saṃspṛśet.*
>
> When a *liṅga* is erected correctly by those who know the mantras, from then on a Śūdra or a woman cannot touch it.
>
> *strīnām anupanītānāṃ śūdrāṇāṅ ca nareśvara,*
> *sthāpane nādhikāro 'sti viṣṇor vā śaṅkarasya ca.*
> *yaḥ śūdrasaṃkṛtaṃ liṅgaṃ viṣṇuṃ vāpi namen naraḥ,*
> *ihaivātyantaduḥkhāni paśayaty āmuṣmike kim u.*
> *śūdro vānupanīto vā striyo vā patito 'pi vā,*
> *keśavaṃ vā śivaṃ vāpi spṛṣṭvā narakam aśnute.*
>
> Women, the uninitated, and Śūdras do not, O Lord of men, have the authority to erect figures of Viṣṇu or Śaṅkara (Śiva). A man who would bow to a *liṅga* or Viṣṇu image consecrated by a Śūdra sees extreme sorrow even in this world—and how much more in the next! *A Śūdra or a non-initiate, a woman or an outcaste who touches Keśava (Viṣṇu) or Śiva goes to hell.* (*Tristhalīsetu*, no. 680 and 682, transl. R. Salomon, emphasis added)

8 Salomon 1984: 175–176 and 444–445. The verses are also quoted in the *Nirṇayasindhu* (pp. 240–241), from which the Paṇḍitas most probably got it.

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The Solution

How was this conflict solved? In a document recorded in our database[9] that was sent from Benares to Jaṅga Bahādura Rāṇā (NGMPP DNA 9/26) we might find the answer to this question:

śrīḥ
1 *svasti śrījīsīvīpadavīsamalaṃkṛteṣu*
śrīmanmahārājādhirājaśrī3-mahārājajaṅgava-
2 *hādūrarāṇāvarmasu. kāśīsthānāṃ strīśūdrāṇāṃ*
sparśapūrvakaliṅga-sthāpanaṃ bhavatīti ni-
3 *nditamatonmūlane baddhaparikarāṇāṃ viduṣām*
ubhayapakṣakṣema-samabhyāvedikāḥ śubhā-
4 *śiṣāṃ tatayo vilasantu. samaye vayaṃ smaraṇīyā iti śam.*

Hail! To the thrice venerable great-king Jaṅga Bahādura Rāṇā Varmā, the supreme king of the great-kings, adorned by the title venerable GCB.
When the despised opinion that it is possible to establish a *liṅga* touched by women and Śūdras is eradicated, heaps of auspicious blessings based on the comprehensive knowledge of the prosperity for both parties of the learned and devoted [Paṇḍitas] who live in Kāśī may flourish. On proper time we are to be remembered. [Let it be] auspicious.

Unfortunately, this document is not dated, but we can conclude that it must be a kind of *vyavasthā* with a final decision because it is in (slightly corrupt) Sanskrit. It looks like a copy of the beginning of the main text of the *vyavasthā* leaving out, however, the signatores and the evidence from authoritative texts (even on the back side of the original) though such sources have not always been mentioned in *vyavasthās*.[10] We do not know which consequences this '*vyavasthā*' had in Nepal.

9 http://abhilekha.adw.uni-heidelberg.de/nepal/index.php/catitems/viewitem/22/1 [accessed July 17 2017].
10 See Dodson 2010: 154. For a similar case concerning the question whether a *śivaliṅga* may be shifted or not, see Michaels 1993.

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Conclusion

Given this orthodox situation in Benares, did Jaṅga Bahādura Rāṇā want the Paṇḍitas of Benares to help him to change a widespread ritual practice in Nepal where the ritual agency of women was much stronger than in North India? After all, there were other regions where the restrictions for women in religious and worldly matters were not so strict as in Kāśī. Thus, there is inscriptional evidence for women donating to temples (Orr 2000). Likewise, in Bengal there was some independence (*svātantrya*) of women regarding the disposal of their property, as well as the *strīdhana* and its *yatheṣṭaviniyoga* (using something as it pleases).[11] There is no direct mention of women being allowed to establish temples etc., but the principle of autonomy may have made this possible because for donating a temple the donor needs (land) property.

However, we do not know whether Jaṅga wanted a 'progressive' or a 'conservative' answer. From a certain standpoint, Nepal was more 'progressive' because it allowed women what was forbidden by a majority of Banarsī Paṇḍitas. From another standpoint it was digressing from dharmashastric orthodoxy. The only thing we so far know is that Jaṅga apparently wanted a second opinion for a delicate question—a question that belonged to a number of heated debates on the status of women in the 19th century: re-marriage of widows, child marriage, *satī*, *mūrtipūjā*, *strīdhana* (daughters = sons in inheritance: Sen/Mishra 1951: 23). Reform movements like Brahma Samāj and Ārya Samāj held public debates (*śāstrārtha*) over such controversies, e.g., on *mūrtipūjā* with Dayanand Sarasvati in fall 1869, and the Paṇḍitas played a crucial role in them as intermediaries. Such problems must have also affected Nepal, but I doubt that it was relevant for Jaṅga.

To me it seems more important, that he apparently intended to place himself on the same level with the British Raj. After all, it was mostly the colonial power that asked for *vyavasthās*. And Kāśī was the traditional place for Nepal to link with a kind of orthodoxy. It was the centre out there, the most prominent pilgrimage place (*tīrtha*) outside Nepal, the place for *śrāddha* and *kāśībās* (residence in Benares until death), and an important business centre.

11 See, for instance, Jīmūtavāhana's *Dāyabhāga* (ch. 4). I am grateful to Patrick Olivelle for pointing this out to me.

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Jaṅga is not known to have been a very religious person,[12] but he stood in the tradition of the Śāhas to see and propagate Nepal as *asal Hindustān* and a guarantor of purity in this Kali Yuga dominated by Muslims and cow-eating Christians. In the *Mulukī Ain* of 1854, a legal code, he positioned the country as the world's only (left) Hindu kingdom (see Michaels 1997), and again in 1866, Jaṅga announced:

> We have our own country, a Hindu kingdom, where the law describes that 'cows shall not be slaughtered', nor woman nor Brahmans sentenced to capital punishment; a holy land where the Himalayas, the Basuhi ksetra [sic], the Arya tirtha, and the refulgent Sri Pashupati Linga and Sri Guhyesvari Pitha are located. In this Kali Age this is the only country in which Hindus rule. (RRS 1972: 101, quoted after Burghart 1984: 116)

Jaṅga could gain credibility and even legitimation only through being sensitive to traditional and religious norms and practices. His attempt to clear the right of women to establish a *śivaliṅga* must be seen in this context.

> In preserving the religious state, the Ranas radically changed the relation between state and religion ... Throughout the period of Rana rule the state emerged as the transcendent force in society, all the while legitimating itself in reference to religion. (Burghart 1996: 272)

Jaṅga did not rule directly against the King Surendra and the ex-king Rājendra. "Jung realized that in conservative Nepal more was achieved by example ... than by force" (Stiller 1993: 103). Perhaps the *rukkā* refers to such an example. The Brahmans had suffered under Prime Minister Bhīmasena Thāpā, Jaṅga gave them back prestige and authority promoting Hinduism as all Rāṇās as a hallmark of his rule.

As said before, whether the *vyavasthā* of the Banarsī Paṇḍitas pleased him or not, we cannot say. But what we clearly can learn from

12 "Jung was wary of the priestly class. Because of the priest-client relationship in Nepalese society they exerted a strong influence on public opinion. The *Raj Guru* (the Royal Preceptor) reinforced this influence. ... Any over pressure Jung might exert on either the elite or the priestly class would weld them into rigid opposition. Jung preferred to use existing institutions to win the support of some members of each class and so divide them" (Stiller 1993: 102).

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the document is that the positions of the Paṇḍitas in Benares and the Nepalese Brahman intermediaries had by no means been uniform. It is thus not possible to categorize the Paṇḍitas into simply traditional or liberal, progressive or conservative. Brian A. Hatcher was right in saying that we have to free ourselves from such dichotomies: "… we do not find paṇḍitas lined up against reformers" (Hatcher 2012: 56). This view is also supported by Michael Dodson:

> Characterisations of *paṇḍits* as 'traditional', 'conservative', and 'disingenuous', as well as the comfortable stereotypes of 'orthodoxy' and 'reform', 'tradition' and 'modernity', and indeed, 'defensiveness' and 'innovation', with which we delineate so much of the intellectual encounters of nineteenth-century India, are clearly insufficient to account for the range of these Sanskrit scholars' activities. (Dodson 2010: 183).

Brian A. Hatcher (2012: 48) rightly pointed out that "pandits worked with or against the shastra, and hence with or against one another". The Nepalese Brahmans were no exception in this regard. Given the many religious traditions in this country, the diversity among the priestly class was even higher.

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Appendix

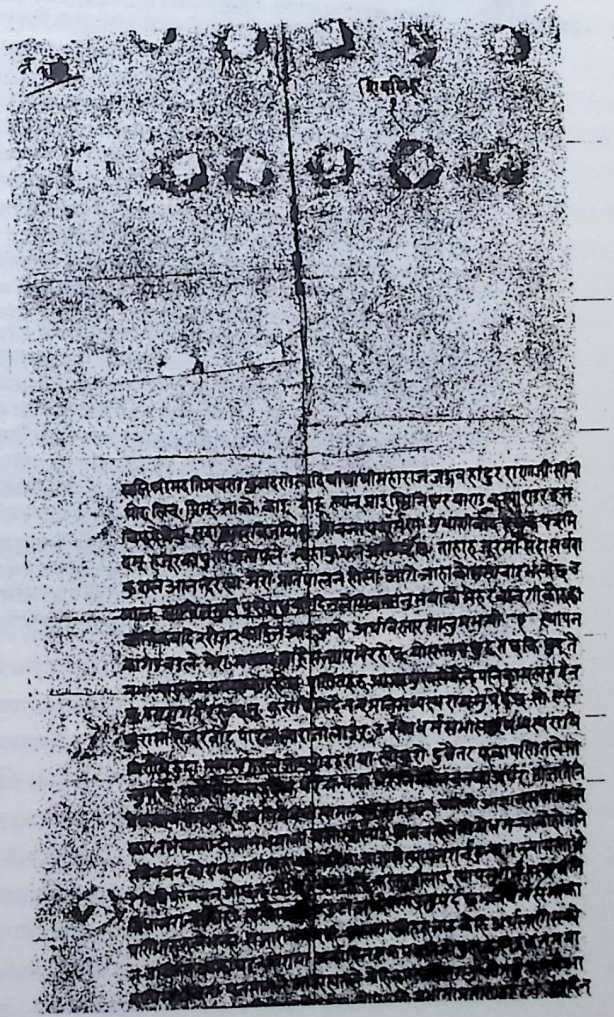
Annotated Edition

A Letter from Jīvanātha Śarmā to Prime Minister Jaṅga Bahādura Rāṇā re the Erection of a *Śivaliṅga* by Women

Dated VS 1920, Friday, the 12th of the dark fortnight of Kārttika (1863 CE); NAK ms. no. 357; microfilmed as NGMPP DNA 4/18; for the digital edition, see DOI: https://doi.org/10.11588/diglit.39464.

Facsimile:

Part 1:



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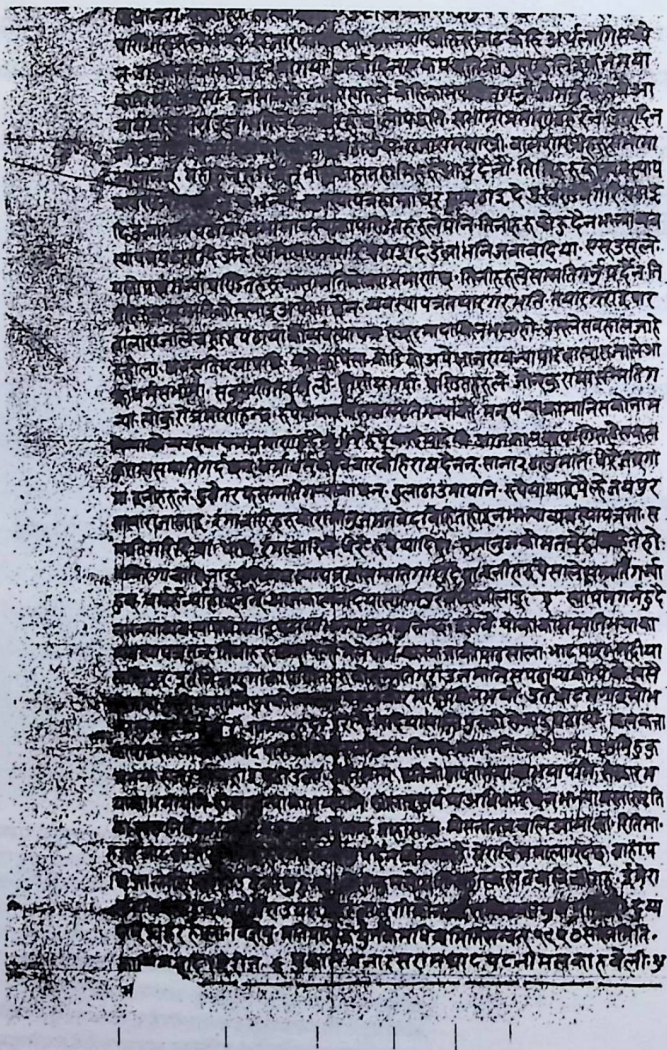
Part 2:



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Edition:

नं ३५७

शिवलिङ्ग
१

स्वस्ति श्रीमदतिप्रचण्डभुजदण्डेत्यादिश्रीश्रीश्रीमहाराजजङ्गवहादुरराणाजीसीवी-
थोङ्लिन्पिम्माकोकाङ्वाङ्स्यान्प्राइम्मिनिष्टरयाण्डकम्याण्डरइन-
चिफ्देवेषु सदा समरविजयिषु जीवनाथशर्मण: शुभाशीर्वादपूर्वकं पत्रमि-
दम्। हजूरका पुण्यप्रतापले ग्राहा कुशल आनन्द छ। ताहा हजूरमा सदासर्वदा
कुशल आनन्द रह्या मेरो प्रतिपालन होला। आगे ग्राहाको समाचार भलो छ। उ-
प्रान्त आश्विन सुदि ५ रोज ४ का दिन लेषिवक्सनुभयाको मेहरवान्गीको रुक्का
कार्त्तिक वदि २ रोज २ का दिन आइपुग्यो। अर्थविस्तार मालुम भयो। ---१ --- स्थापन-
का गडवडले मेरा मनमा साह्रै सन्ताप भैरहेछ। यो सन्ताप छुट्तछ कि छुट्तै-
न भन्या हुकुम आयाको रहेछ। पण्डितहरू आफ्ना मुखले कैल्हे पनि कायल हुँदैन-
न्। झगडा गर्दै रहन्छन्। कुरा छिनिदैनन् भनि मध्यस्थ राषनु पर्दछ। सो एस
कुरामा हजूरवाट पारवाला राजालाई र उन्का धर्मसभालाई मध्यस्थ राषि
निर्णय हुदा मध्यस्थहरूले जो कुरो ठहराया त्यो कुरो दुवै तरफका पण्डितले मा-
न्नुपर्छ। मान्दैनौं भन्न हुदैन। धेरै ग्रन्थका धेरै निषेधवचनका अर्थ र ती जति नि-
षेधका वचन् छन् सवै निषेधका सामान्यवचन् छन्। पतिको आज्ञा नभयाका सं-
स्कार नभयाका दीक्षा नभयाका यस्ता स्त्रीलाई यी वचन्ले निषेध गर्याको हो भनि
सवै वचन्को एकवाक्यता हुन्छ। पतिका आज्ञाले स्थापन गर्नहुन्छ भन्या यस्ता धे-
रै विधिका वचन् जो छन् ति विधिवचन्ले कस्ता स्त्रीलाइ स्थापन गर्न हुन्छ भनि
विधान गर्याको हो त्यस्को पनि एउटा अर्थ लगाउनु पर्दछ भनि धर्मसभाका
पण्डितहरूले भन्दा राजाराम शास्त्री वाल शास्त्रीहरूवाट केहि अर्थ लागिसक्ये-
न। उठिकन आफ्ना घर २ मा गया। अर्का दिन एक पद्धतिको पुस्तक लिइकन गया-
का थिया। उस्मा यजमानले आफ्ना हातले केहि काम पनि नगर्नु जो गर्नु छ सवै आ-
चार्यद्वारा गराउनु भनि लेष्याको रहेछ। त्यो पद्धति सभामा प्रमाण ठहरेन। उस् दिन
उत्तिकै भयो। अर्का दिन फेरि वोलाइ पठाउँदा राजाराम शास्त्री वाल शास्त्रीहरू सभामा
आयानन्। महाजन् हरिचन् वावुका हात हामीहरू आउँदैनौं। तिमिहरूको व्यवस्थाप -
त्र खण्डन गरावनु छ भन्या व्यवस्थापत्र हाम्रा घरमा पठाइदेउ। खण्डन गरि पठाइ-
दिउँला भनि पठाया। सभामा वस्याका पण्डितहरूले पनि तिनीहरूको हुदैन भन्या व्यव-
स्थापत्र पठाइदिउन् हामि खण्डन गरि पठाइदिउँला भनि जवाव दिया। एस् उस्ले
यस्तो पक्ष गर्न्या पण्डितहरूका सम्मतिको क्या प्रमाण छ। तिनीहरूले सम्मति गर्नुपर्दैन। ति-
नीहरूका सम्मतिको मलाइ अपेक्षा छैन। व्यवस्थापत्र तयार गर भनि तयार गराइ पार-
वाला राजाले चह्राइपठायाको व्यवस्थापत्र हजूरमा दाषिल भयो हो। उस्ले सव हाल जाहे-
र होला। अव एति भयापछि कसैका पैसा कौडिको अपेक्षा नराषन्या पारवाला राजाले आ-
फ्ना धर्मसभामा सव पण्डित वटोली निर्णय गर्दा पण्डितहरूले जौन् कुरामा सम्मति ग-
र्या त्यो कुरो प्रमाण हुन्छ। रूपैया षाइकन सम्मति गर्याको मन्पर्याका मानिसको नाम

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लेष्याको व्यवस्थापत्र प्रमाण हुँदैन । धेरै रूपैया दियादेषि आजकालका पण्डितले सकल
कुरामा सम्मति गर्दछन् । धर्माधर्मको विचार केहि राषदैनन् । साना २ ठाउँमा त धेरै जग्गा-
मा इनीहरूले दुवै तरफ सम्मति गर्याका छन् । ठुला ठाउँमा पनि रूपैया षाइ पैल्हे जयपुर-
वाला राजालाइ रंगाचारिहरूको रामानुजमत वेदविहित होइन भन्न्या व्यवस्थापत्रमा स-
म्मति गरिदिया । पछि रंगाचारिले धेरै रूपैया दिदा रामानुजको मत वेदविहितै हो
भनि रंगाचारिलाइ पनि व्यवस्थापत्रमा सम्मति गरिदिया । इनीहरू पैसाले सम्मति गर्न्या
हुन् । धर्म हेर्न्या होइनन् । आजकाल नदिया सान्तिपुरवाट स्त्रीलाइ ---१ --- स्थापन गर्न हुदै-
भन्न्या व्यवस्थापत्र मगाइ पठाया भन्न्या कुरा सुनिन्छ । इ सवै पोकाका सम्मति भयाका
व्यवस्थापत्र हुन् । तिनीहरू भन्दा पैल्हे मैले पनि कलकत्ताको पाठसाला भाटपारा नदीया
सान्तिपुर इ तीनै जग्गाका पण्डितहरूको सम्मति गराँउन मानिस पठायाको थियो । त्यसै
विचमा नदिया सान्तिपुरको व्यवस्थापत्र सर्कारमा दाषिल भयो । उतैवाट मगाइयो भ-
न्दा सुन्या र षर्च धेरै लागन्या हुदा डरले नदिया सान्तिपुरको रोकाइपठायाँ । कलकत्ता-
का पाठसालाको र भाटपाराको व्यवस्थापत्र मसित छ । अरू पनि त्यस्को काम छ भनि हुकु-
म भया हजूरमा चह्राइपठाउँला । जहासम्म पतिको आज्ञा भयाका भया पनि संस्कार भ-
याका भया पनि दीक्षा सुन्याका भया पनि स्त्रीलाई सर्वथा अधिकार छैन भन्न्या यस्ता स्मृति-
का स्पष्ट निषेध भयाको वचन मिल्दैनन् ताहासम्म यो सनातन चलिआयाका रितिमा
हजूरवाट कत्ति पनि सन्देह राषिवक्सनु पर्दैन कि भन्न्या झैं मेरा चित्तमा लाग्दछ । वाहा प-
छि जान्न्या हजूर होइवक्सनुहुन्छ । जो हुकुम सो सहि । वहुत कहातक विन्ती गरू । ई मेरा
शुभचिन्तक हुन् भनि मेरा उपर मेहरवान्गीको नजर राषिवक्सनुभया मेरो दुष्ष
दारिद्र्य दूर होला । विज्ञेषु प्रतिपालकेषु किमधिकमिति सम्वत् १९२० सालमिति
कार्त्तिक वदि १२ रोज ६ मुकाम वनारस रामघाट पटनीमलका हवेली शु-
भ ---

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Translation:

No. 357

Śivaliṅga 1

Hail. This is a letter [written] with the good blessings of Jīvanātha Śarmā to triply glorious and favored Mahārāja Sir Jaṅga Bahādura Rāṇā, who holds very formidable power in his arms etc., GCB, *thoṅ. lin. pim. māko. kāṅ. vāṅ. syān*,[13] Prime Minister and Commander-in-Chief, who is always victorious in battle.

By your meritorious dignity [everything] here is fine and pleasant. I will be protected if with you there [everything] is always fine and pleasant. Further, the tidings here are well.

[Regarding the] following: The *rukkā*, which was written by you in your kindness on Wednesday, the 5th day of the bright half of Āśvina, reached [here] on Monday, the 2nd of the dark half of Kārttika. The purport of the details is understood.

The order has come from you [that begins with the words] "Because of the dispute over establishing -1- (a *śivaliṅga*), I have been grievously tormented in my mind. Will this torment disappear or not?" From the mouth of Paṇḍitas never comes an admission [of mistakes]. They keep on fighting. Since they never come to an agreement, a mediator needs to be appointed. A decision was made after you had fixed as mediators in this matter the king on the other side (*pāravāla*, i.e. Rāmnagar on the other side of the Gaṅgā) and his *dharmasabhā*. Whatever is concluded by these mediators needs to be accepted by the Paṇḍitas of both sides. One [side] must not say, "We don't accept [that]." [Regarding]

13 Title bestowed by the Chinese Emperor upon J.B. Rāṇā. See the document No. 149, dated Nepal Residency, the 1st–7th (received 10th) November 1910 (Confidential) from: Lt. Col. J. Manners-Smith, VC, CIE, Resident in Nepal, to: The Secretary of the Government of India in the Foreign Department: "7. The title, or that of 'Thong Lin Pin Mako Kang Wang Sian,' which it has been the custom for the Chinese Government to bestow upon the Ruling Prime Ministers of Nepal, implies any acceptance of suzerainty on the part of Nepal. He suggests that this point could be best ascertained by a reference to the British Minister at Peking where the exact meaning of the titles may be known" (http://www.madanpuraskar.org/mppwp2012/1910/11/01/chinese-mission-being-despatched-to-nepal [accessed Oct 3, 2015]).

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the meaning of words of prohibition from various scriptures, these are all general statements of prohibition [no matter] how many words of prohibition there are. [Thus] whatever prohibitory statements have been made [in the *smṛti*] for women who have no orders from their husband, no *saṃskāra* (i.e., are not married), [and] no initiation [for the daily worship], there is unanimity in all these mandatory injunctions. [However,] Rājārāma Śāstrī [and] Bāla Śāstrī could not provide a meaningful interpretation [of the scriptures] when they were asked by the Paṇḍitas of the *dharmasabhā* to explain what kind of women are allowed to establish [a *śivaliṅga*], given the fact that there are so many mandatory injunctions which allow [married women] to establish [one only] by order of their husband.

They [both] stood up and went to their respective houses. The next day they returned with a ritual handbook (confirming their position). In it was written that a *yajamāna* is not allowed to do any work by his own hand; whatever is to be done should be done [only] through the priest. This handbook was not accepted as probative authority in the assembly. That day passed, [and] the next day Rājārāma Śāstrī and Bāla Śāstrī did not come to the assembly [even] after an invitation had been sent to them. They sent [a message back] through the reputable (*mahājana*, lit. great person) Harican Bābu, who said: "If you want your *vyavasthāpatra* criticized, send it to our houses. We will return it to you after criticizing it [ourselves]." The Paṇḍitas sitting in the *dharmasabhā* replied: "Let them (the two Śāstrīs) send a *vyavasthāpatra* which denies permission; we will in turn criticize [their decision]."

"What proof is consensus [reached] among such biased Paṇḍitas? They need not agree. I don't expect any consensus from them. Prepare the *vyavasthāpatra*!" [Thus] the king from the other side ordered a *vyavasthāpatra*, which was dispatched to you. Through this everything will be known. From now on whenever the king on the other side—who has himself no interest in money or cowries—assembles all the Paṇḍitas in his *dharmasabhā* and a decision is made through consensus among [those] Paṇḍitas, then this is [enough] proof. [By contrast,] a *vyavasthāpatra* signed by persons of one's own liking who have agreed after taking bribes cannot be considered as proof. If given a lot of money, today's Paṇḍitas agree on all topics. They don't think about what *dharma* is and [what] *adharma* [is]. In petty things they have reached consensus on both sides at various places. In something

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of very great importance, too, they once took money and reached consensus in a *vyavasthāpatra* to the king of Jaipur, saying that the doctrine of Rāmānuja ascetics (*raṅgācāri*) is not taught in the Veda. After the *raṅgācāris* gave [them] a lot of money, they (the Paṇḍitas) also reached consensus in a *vyavasthāpatra* to the *raṅgācāris*, saying that the doctrine of Rāmānuja is taught in the Veda. They are ones who agree because of money; they do not consider the *dharma*.

These days it is heard that (these two Paṇḍitas) asked for a *vyavasthāpatra* to be sent from Nadiyā Śāntipura (a university in Bengal?)—[one] stating that no woman is allowed to establish -1- (a *śivaliṅga*). The packages that I am sending now contain all the *vyavasthāpatras* in which consensus was reached. Before them, I also had sent my people to generate consensus among Paṇḍitas from the following three places: Kalkattā Pāṭhaśālā, Bhāṭapārā and Nadiyā Śāntipura. Meanwhile I have heard that the *vyavasthāpatra* from Nadiyā Śāntipura has arrived at [the seat of your] government, and being afraid of incurring [too] many expenses, I put a stop to [my order] of [another] *vyavasthāpatra* from Nadiyā Śāntipura. The *vyavasthāpatras* given by the Kalkattā Pāṭhaśālā and Bhāṭapārā are with me. If this needs further work I will send it to you upon your orders. As long as clear of prohibition are not found in the *smṛti* to the effect, explicitly, that women have absolutely no right [to establish a *śivaliṅga*] regardless of their husband's orders, of their being married and of their having heard the mantra [of initiation], it seems to me that you should not have any doubt regarding the customs which have always been practiced. After all, you are the knowledgeable one. Your orders are [always] correct. What more can I say?

My suffering and poverty will disappear if you cast your compassionate eyes on me saying: "He is my well-wisher."

Thus, on Friday, the 12th day of the dark half of Kārttika, in the [Vikrama] year 1920, from the temporary residence at Vārāṇasī Rāmaghāṭa, Paṭanīmala Haveli. May it be auspicious.

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Abbreviations

KVS	*Kavivacanasudhā*
RRS	*Regmi Research Series*
RRC	*Regmi Research Collection*
VS	Vikrama Saṃvat

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Governing Economic Life in Rāṇā Nepal: The Tender Process for the Gambling License at the Market Square of Asan in 1902

Simon Cubelic

Introduction

Like earlier foreign travelers to Nepal, William Brook Northey in his 1937 account *Land of the Gurkhas* dwells extensively on the alleged gambling habits of the Nepalese people, which he lists among their predominant "failings" and "vices":

> If, however, the Nepalese can be acquitted of any undue tendency to drink, the same can hardly be said of their passion for gambling, to which they are certainly inordinately addicted. … Upon the beat of a drum—every other occupation is immediately abandoned by one and all and the whole population gives itself up forthwith to its one all-absorbing passion, for which, as it is hardly necessary to add, opportunities in plenty are provided. … Many and extraordinary too, not to say incredible, are the stakes for which they play, as authentic records attest. Thus men have been known to stake their wives and children on a throw of the dice, while one man is even said to have cut off his left hand and put it down under a cloth as his stake. It is recorded further that on winning the game, he insisted on his opponent cutting off his hand, or else restoring all the money which he had previously won. (Northey 1937: 106–108)[1]

1 Northey seems to have taken the story of the gambler staking his hand from Daniel Wright's *History of Nepal* (Wright 1993 [1877]: 39).

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Even though Northey's statement reflects the stereotypical colonial portrait of unrestrained native impulsiveness, here in the form of an untamed proclivity to gambling, the lament that gambling is rampant in Nepalese society dates well back to the nineteenth century and finds echoes in Nepali sources as well. A major example is a copper-plate inscription by King Surendra from 1855 in which the strict regulation of gambling is justified by pointing out the widespread gambling habits of the subjects that have led to their impoverishment and indebtedness.[2] The existing scholarship on the social history of gambling in Nepal—usually not more than a few marginal notes in the accounts of lawmaking activities of certain rulers or short paragraphs in works on social history—suffers from two shortcomings. First, in most cases only normative sources have been taken into consideration, which in turn privileges the top-down perspective.[3] However, there is a huge gap between the "ought" of state regulations and the "is" of societal practice. Abstract legal rules do not reveal anything about the manifold negotiations, modifications, adaptations and appropriations which these rules inevitably face as soon as it comes to their implementation.[4] The second shortcoming of the existing scholarship is their blindness to the economic and fiscal dimension of gambling laws. Most authors attribute the more liberal attitude towards gambling during the Rāṇā period either to the personal proclivities of certain rulers towards gambling or to the widespread passion for gambling among their subjects, which had to be accommodated.[5] Yet what is missing in these accounts are answers to questions about the societal and state actors involved and about profits and revenues generated as well.

Therefore, in the following I try to remedy these two blind spots in the available literature by developing a perspective on gambling in Rāṇā Nepal which on the one hand investigates the dialectic between abstract codified legal rules as embodied in the *Mulukī Ain* (MA)—the most important sources for the legal history of the Rāṇā period (1846–1951)—and the socio-legal realities, and on the other hand sets gambling within the wider context of the political economy of the Rāṇā state. For this purpose, I will use the re-allocation of the gambling

2 See Tevārī 1974: 216.
3 See for example Tevārī 1974, Acharya 1975a: 147, Acharya 1975b: 167 and Vaidya/Manandhar 1985: 106–107.
4 I may refer here to fruitful approaches in socio-legal scholarship and legal anthropology which have been widely used, especially in studies on colonial legal history. See for example Benton 2002.
5 See Shrestha 1997: 91–94 and Vaidya/Manandhar/Joshi 1993: 247–253.

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license at the market square around the Annapūrṇā Temple in Asan in 1902 as a micro-historical case study. Against this backdrop, I will argue that the MA was a central point of reference in the creation of the economic order at the market square of Asan. However, the implementation of legal rules was not entirely static and rigid, but could be negotiated and reshaped in a *pas-de-deux* between societal and governmental actors. Before turning to the legal and economic regulations on gambling practices at the market square of Asan, I will delineate the wider context of making laws to control gambling during the Śāha and Rāṇā periods.

Gambling and the State in the Śāha and Rāṇā Periods

Gambling emerged as an object of state intervention right from the beginning of the formation of the modern Nepalese state. After the conquest of the Kathmandu Valley, Pṛthvīnārāyaṇa Śāha (r. 1743–1775) banned gambling completely (Acharya 1975a: 147). There are three ideological factors which may have served as underpinnings for such an act. In his political testament *Divyopadeśa* (c. 1774),[6] Pṛthvīnārāyaṇa explicitly sets himself in an unbroken line of lawmaking tradition followed by his royal predecessors.[7] There is an edict of King Mahendra Malla (r. 1560–1574) which prohibits gambling (Regmi 1971a: 123), and Pṛthvīnārāyaṇa may thus have adopted this earlier model. Furthermore, in the *Divyopadeśa*, restraint in the face of luxury and amusement is portrayed as a prerequisite of collective strength.[8] The ban on gambling merges seamlessly into this ideological pattern. Finally, according to important currents of classical Hindu jurisprudence

6 The authenticity of the *Divyopadeśa*, it may be noted, has been questioned, most prominently by Kamal Prakash Malla. For an overview on the debate see Whelpton 2007: 189–190.

7 "I observed the arrangements of King Ram Shah. I saw the arrangements of Jayasthiti Malla, also. I saw, too, the arrangements of Mahindra Malla. If it is God's will, I would like to make this sort of arrangement for the 12,000" (Stiller 1968: 43).

8 "If a rich man enters into battle, he cannot die well; nor can he kill. In a poor man there is spark. If my brother soldiers and the courtiers are not given to pleasure, my sword can strike in all directions. But if they are pleasure-seekers, this will not be my little painfully acquired kingdom but a garden of every sort of people" (Stiller 1968: 44); "I am in doubt about one thing. Which thing? Muglan (India) is near. In that place there are singers and dancers. In rooms lined with paintings, they forget themselves in melodies woven on the drum and sitar. There is great pleasure in these melodies. But it drains your wealth. They also take away the secrets of your country and deceive the poor" (Stiller 1968: 46).

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(Dharmaśāstra), gambling was a criminal offense comparable to theft.[9] In the *Mānavadharmaśāstra* (MDh), for instance, gambling and betting (*dyūtasamāhvaya*) is taken up under the topic of "the eradication of thorns" (*kaṇṭakaśodhana*)—the extinction of criminal activities—which was one of the principal duties of a king (Olivelle 2005: 15–16; see also Hiltebeitel 2011: 228).[10] Therefore, Pṛthvīnārāyaṇa's gambling law can be perceived as an attempt to follow the principles of Brahmanical orthodoxy and its vision of kingship.[11]

In 1798 Raṇa Bahādura Śāha legalized gambling during the Tij festival (see Tevārī 1974: 214; Acharya 1975a: 167), celebrated on the 3rd of the bright fortnight of Bhādrapada, and later on it became legal during the Tihar festival, probably in acknowledgement of its socio-cultural roots with these festivals. However, it seems that this liberalization did not apply to the whole territory and in perpetuity. Mahesh Candra Regmi collected three decrees from King Gīrvāṇayuddha Vikrama Śāha (r. 1799–1816) which refer to legal regulations on gambling. The first one is from a large collection of regulations, one of which orders officials to obtain confessions from gamblers and impose corporal punishment if they continue their illegal activities (Regmi 1971b: 133). The second one is from 1809, is addressed to the Kumaon territories and bans gambling completely (Regmi 1986: 142). A third one, again from 1809, is directed at the Daraundi-Kali region and bans gambling except for the days during Tihar (Regmi 1977: 32). This indicates that until the Rāṇā period there were no consistent and universally applicable gambling laws, which highlights the fact that Nepal in the first half of the nineteenth century was still governed according to a motley, heterogeneous legal framework.

According to Baburam Acharya (1975b: 167f.), the Rāṇā period ushered in a more lenient stance towards gambling. Prime Minister

9 See, for example, MDh 9.221–222: "The king shall suppress gambling and betting within his realm; they are the two vices of rulers that devastate a kingdom. Gambling and betting amount to open theft; the king should make constant effort at eradicating them both" (transl. by P. Olivelle) (*dyūtaṃ samāhvayaṃ caiva rājā rāṣṭre nivārayet, rājyāntakaraṇāv etau dvau doṣau pṛthivīkṣitām. prakāśam etat tāskaryaṃ yad devanasamāhvayau, tayor nityaṃ pratīghāte nṛpatir yatnavān bhavet.*).

10 However, prior to as well as after MDh the idea was current that gambling was to be regulated rather than completely banned (see, for example, ĀpDhSū 2.25.12–14 or YDh 2.199–203).

11 Several authors regard the processes of Hinduization, Sanskritization, and the application of Brahmanical norms to larger segments of the society as an overall tendency of the cultural politics of the Nepalese state after the Gorkha expansion (see, for example, Whelpton 2005: 55–60, and Toffin 2013: 58).

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Deva Śamśera (r. 1901), in particular, added several additional dates to the list of days during which gambling was permitted. In accordance with an overall tendency of the Rāṇā rule to overhaul bureaucratic procedures and legal regulations (Edwards 1977: 113), this period produced not only a stabler legal framework for gambling activities, but also detailed regulations for warding off potential sources of conflict and administrative procedures for generating revenue. An early example are administrative arrangements for the Tarai region from 1849 which specify time, objects, valid size of stakes and other details, and which prohibit giving loans to gamblers (Regmi 1980b: 184). As it did for many other aspects of the Nepalese legal landscape, the MA 1854 provided a universally applicable set of rules for gambling practices which replaced the earlier regional arrangements. MA 1854 provides a separate article "On Gambling" (*juvāko*) (Art. 75) consisting of sixteen sections. The article "On Gambling" (*juvāko*) of the MA 1888 (pp. 97–100), which, among the different amended editions of the *Ain*, is temporally closest to the case study under discussion, gives an impression how elaborate gambling laws had become during the course of the second half of the nineteenth century.

Sections 1 and 2 of the article "On Gambling" specify the time and place of gambling. Legal gambling could only take place after it has been announced by drums. Traditionally, it took place during the five days of Yamapañcaka (the 13th of the dark fortnight of Kārttika to the 2nd of the bright fortnight), i.e. the days of the Tihar festival. However, by official order additional days could be added. Sections 12 to 14 state that gains and losses accrued from illegally organized gambling are null and void. The only game which is allowed is that of throwing cowries. According to sections 3 and 4, only money at the disposal of the gambler at the gambling venue can be bet on. This excludes immovable property, credit and stakes secured by sureties. The rationale for these rules is to prevent the financial ruin of gamblers and their families—especially important in contexts of shared property and collective liability—and the outbreak of violence between gamblers and the licensees of gambling venues. Section 16 lists services which are permitted and prohibited at gambling spots. Only food can be sold there. It is especially mentioned that during these days no loans are to be offered, no transfer of property is to take place and no pledges are to be accepted. Furthermore, there are plenty of rules (sections 4–10) which stipulate how ambiguous situations that may arise during games are to be adjudicated, especially regarding the positions of cowries.

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Although the gambling regulations in the MA 1888 shed some light on the state's attempt to navigate between the legalization of gambling on the one hand and providing safeguards against pauperization and managing social conflicts on the other, other social, economic and administrative aspects of gambling at that time remain obscure, especially the administrative procedures required for the establishment of gambling venues, social profiles of the organizers of gambling and the revenue it generated. An insight into these aspects cannot be gained by looking into the normative legal codes only, but requires the study of administrative records. In the following, I will use a series of five documents which reflect the tender process for the gambling license at the Asan market square in 1902.

The Tender Process for the Gambling License at the Asan Market Square

The Asan Market Square

The market square in the Asan quarter of Kathmandu is an important market in the north-eastern zone, and indeed for centuries has been one of the city's chief marketplaces. This commercial area is located at a crossroads[12] around the Annapūrṇā Temple, where Newar caste groups like the Urāy still play a prominent role in trade and business (Lewis 1995: 39ff.). In the nineteenth and early twentieth century, the land on which the market square stood was categorized as *guṭhī-raikara*, that is, *raikara* (taxable state-owned) land which had been endowed to a *guṭhī* (a socio-religious association responsible for temple management and the performance of rituals and worship), which in the present case was the Annapūrṇā Guṭhī.[13] This implied that for all commercial activities conducted on the premises of the Annapūrṇā Guṭhī licenses were required. Some of these licenses seem to have been issued on a permanent basis. Evidence for this can be gained from a stone inscription from 1839 which is preserved in a paper copy from 1904.[14] In

12 For the square where the different roads meet, in the documents attached to this article the term *ḍabalī* "raised platform," is used. In the following, I have translated this term as "market square."

13 The definition of *guṭhī-raikara* is based on Regmi 1976: 58. We know from NGMPP K 242/30 that the market square at Asan belonged to this category of land.

14 See NGMPP K 242/30.

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this inscription, the privilege of running shops is given to 43 people, in some cases specifying the kind of business they are allowed to conduct as well as the fees they are required to pay to the government and the *guṭhī* for particular rituals, *pūjā* materials and the remuneration of priests. The dual payment to state and *guṭhī* may have been due to the categorization of the land as *guṭhī-raikara*. The picture that emerges from this source is that of an embedded market,[15] where economic activities were not only under tight state control, but also linked to ritual obligations. However, for other commercial activities and revenues, licenses could be acquired via a tender process which followed the administrative principles laid down in the MA 1888, in the article "On Revenue-Arrangements" (*rakam bandobastako*). The juxtaposition of the two principles of organizing economic activity—one determined by inherited privileges and associated with a socio-ritual community, the other dependent on market principles, and both bound together within a tightly knit bureaucratic framework—exemplifies a general characteristic of the Rāṇā polity to incorporate (seemingly) antagonistic socio-political institutions.[16] In both cases, namely permanent licenses and those that were temporarily auctioned off, the income generated under the licenses had to be reported and assessed by the Guṭhī Jā̃ca Aḍḍā[17] and the Mulukī Aḍḍā,[18] which also monitored the tender process. As will be shown later, even though the licenses were issued by the Annapūrṇā Guṭhī, the state enforced the rules applying to them as if the rented plots were state property. This is another expression of the overall attempt of the Rāṇā state to achieve greater legal uniformity.

15 I have taken this term from Karl Polanyi, for whom embeddedness means that the economy is not autonomous, but subordinated to politics, religion and social relations (Polanyi 2001 [1944]: 60ff.).

16 Other examples: the co-existence of the notions of divine kingship and a legally bound king, patrimonialism and rational bureaucratization; see Cubelic/Khatiwoda 2017.

17 The Guṭhī Jā̃ca Aḍḍā was an institution serving an oversight function within the state's supervision of local *guṭhī* management. On the basis of the documents presented here, this office was responsible for monitoring the tender process and for guaranteeing its orderly implementation as well as for book-keeping. However, it was not authorized to issue contracts and had to forward the names of prospective contractors to the Mulukī Aḍḍā for confirmation. Equally, the Guṭhī Jā̃ca Aḍḍā was not entitled to decide on disputes, but had to present the case along with a statement for its solution to the Mulukī Aḍḍā which had to render a judgement. Therefore, the Guṭhī Jā̃ca Aḍḍā was clearly subordinate and accountable to the Mulukī Aḍḍā. However, its exact function, and in particular its relationship to the Guṭhī Bandobasta Aḍḍā, is not clear to me.

18 The Mulukī Aḍḍā, something approximating a home ministry, was under the direct control of the prime minister and commander-in-chief and functioned as the central administrative unit for internal and civil affairs (Agrawal 1976: 11).

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Among the licenses which were put out to tender were the licenses for operating gambling sites. In 1904 one such license was auctioned off along together with a license for running a money-changing shop.[19] In order to show to what extent the process conformed to the legal prescriptions and where it differed, I now provide an overview of the tender process as laid down in the MA1888.

Revenue-farming Arrangements according to the *Mulukī Ain* of 1888

Gambling operations at the Asan market square was treated as a franchise under a state monopoly, which controlled it as a source of revenue in the same way as the exploitation of land or natural resources was licensed according to a tender process. Such revenue-farming arrangements are common features in the premodern South Asian political economy and are referred to as *ijārā*. The impact of revenue farming on commercial expansion and state building has become a highly contested issue—which can here only be sketched—in the historiography relating to eighteenth-century South Asia.[20] On the one side are authors like Irfan Habib (2002: 61, 65) and Tapan Raychaudhuri (1983: 6ff.) for whom the revenue-farming system represents an undermining of state power and a destructive speculative practice with especially brutal effects on the peasantry. However, a 'revisionist' perspective questions the negative influence of revenue farming on the eighteenth-century economy. From this point of view, the rise of a new intermediary class in combination with merchant capital induced growth, strengthened monetarization and helped to establish more commercially and bureaucratically oriented decentralized state structures (Bayly 1992: 17ff.; Alam 1986: 40ff.). Mahesh Chandra Regmi has delineated the development of the *ijārā* system for Nepal. After playing an important role in the pre-Rāṇā polity, revenue-farming arrangements were severely weakened in the course of the nineteenth century in favor of the *amānat* system, but they still remained in place for many smaller sources of revenue, state monopolies and commercial taxes (Regmi 1988: 77ff.). Within the *amānat* system, revenue was collected by salaried state officials, whereas in the *ijārā* system the

19 *See* NGMPP K 230/16.

20 *An overview* can be found in Chaudhuri 2008: 81ff. and Sinha 2012: 424ff. I *follow* Chaudhuri's systematization of that debate.

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ijārā holder (*ijārādāra*) was allowed to keep the amount beyond what was stipulated in the revenue-farming contract. In his evaluation of the economic impact of the latter, Regmi joined ranks with the first of the two above-mentioned camps. According to him, revenue-farming arrangements did not offer incentives for long-term investment in the franchises rented out on a short-term basis, and indeed were mainly exploited by members of the Rāṇā bureaucracy (Regmi 1988: 80, 137). Therefore, *ijārās* had positive effects neither on economic development nor on state building. Even though it would go far beyond the scope of this paper to reassess Regmi's evaluation, the tender process as depicted in the documents under discussion suggests that by a skillful application of the complex bureaucratic procedures the state could still jack up the prices for an *ijārā* and thereby profit handsomely. The way the procedures are laid down in the MA 1888 mirrors their purpose, namely to increase the value of the *ijārā* by encouraging competition and speculation. Furthermore, it offers an interesting example of how a patrimonial practice like tax farming can still flourish within a highly bureaucratized framework.[21]

Sections 1 and 2 of the article "On Revenue Arrangements" (*rakam bandobastako*) (MA 1888: 13–20)[22] specify who is eligible to take advantage of a revenue-farming arrangement. Such persons have to be wealthy or able to put up security, and to have no outstanding private or government debts which might prevent payment in case of contractual default. According to sections 15 and 16 not only were individuals eligible; partnerships, too, were possible, and this would have been one means of increasing the amount of investable capital. The *ijārā* itself was granted on a three-year basis (section 4). Such a short-term contract period allowed the state to re-assess the value of an *ijārā* and re-allot it under its current market price. The process of stipulating the payable sum was ascertained by a tender process, which is the subject of section 8. Since the events narrated later largely depend on this section, I will quote it here in detail:

> §8 *vaḍhāvaḍha garāi vā ghaṭāghaṭa garāidinu parnyāmā ainavamojimako rīta puryāi kavula garnyākā nāumā 7 dinako myāda purjī leṣi aḍāko chāpa lagāī so dinyā aḍākā ḍhokāmā 1 savaile dekhane ṭhāumā 1 sohi ṭhāumā 1 purjī ṭāsi 6 dinakā*

21 This point has been made by Martin 2015 with regard to revenue farming in colonial India.

22 A reliable translation of this article can be found in Regmi 1980a.

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> *dina jāheri rapoṭa dī so jāheriko nikāsā āyāpachi myāda gujāri jo garnuparnyā garidinu. ainavamojimako rīta napugi 7 dinakā myāda nāghyā pani dina hudaina. rīta napuryāunyā hākimalāi sajāya huñcha.* (MA 1888, p. 15)
>
> When [a contract] is to be issued on either high[est] or low[est] bids, a notice with a seven-day deadline shall be issued in the name of the person who promises [the highest or lowest sum] and observes [all] formalities in accordance with the *Ain*. [At that time] the stamp of the office shall be affixed [to the notice] and one [notice] shall be posted at the door of the office, one at a place where everyone can see [it], and one at place in question itself.[23] On the sixth day, a report on the notification shall be given [to the higher office]. When a decision on the notification (i.e., the submitted report) arrives, then once the deadline has expired whatever is to be done shall be done. No [contract] shall be granted even after the seven-day deadline has expired if [all] formalities have not been observed in accordance with the *Ain*. A government officer who does not observe the formalities shall be punished. (Transl. by S.C.)

According to this section, making information about the bidders and their actual bids public has to be guaranteed at several steps during the process, and there are many opportunities for potential bidders to step in and submit their bids within the seven-day deadline. Once the highest or lowest bid is established on the sixth day of the deadline period, a higher authority, the Mulukī Aḍḍā, as NGMPP K 499/44 (Doc. 1 of the Appendix) reveals, assessed the validity of the process and had to sanction the result before a contract (*ṭheka*) could be issued. However, the bureaucratic machinery in Rāṇā Nepal was not unstoppable. As the case study will show, petition could be an effective method to exert influence on the implementation of bureaucratic procedures.

23 Probably this refers to the place where the contracted revenue will be generated.

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The Re-allotment of the Gambling License, 1902

The tender process for the gambling license in 1902 is recorded in a series of five documents which will be summarized and analyzed in the following.

The first document (NGMPP K 499/44; Doc. 1 of the Appendix), a report from the Guṭhī Jāca Aḍḍā from the 13th of the dark fortnight of Āśvina, pertains to the outcome of one particular tender process. It is reported that a certain Meheramāna Nhuche Pradhāna offered 35 *moru*[24] per annum for the license and submitted a bond (*kabula*) of his bid accordingly. In the second step, a notice of Meheramāna's bid was posted. On the sixth day of the seven-day deadline, a man called Kṛṣṇavīra submitted a bid which topped Meheramāna's bid by two *moru*. However, Meheramāna quickly went Kṛṣṇavīra three *moru* better. It seems that Kṛṣṇavīra then dropped out of the competition, since the report mentions that a new notice with Meheramāna's bid had been posted for another six days. After this, another notice with a one-day deadline was posted, to give prospective bidders one last chance. When no other bids were received, the license was granted to Meheramāna for 40 *moru* per annum.

The next document from this series (NGMPP K 499/46; Doc. 2 of the Appendix) is dated one day later, the 14th of the dark fortnight of Āśvina. It is a written statement made by three witnesses. All three confirm that a notice was posted which announced Meheramāna's bid of 40 *moru* for six days, and then on the 13th of the dark night of Āśvina another one-day notice was posted. However, this notice was blown away by the wind. Both documents prove that the process laid down in the MA 1888 was followed: Bids were invited, notices of the highest bids publicly posted for six days, a report was sent to the Mulukī Aḍḍā, which gave its sanction, and finally a one-day deadline for receiving further bids announced. Document 2 shows that even a deviation like the disappearance of the notice containing the one-day deadline had to be compensated for by a written statement of three witnesses in order to prove that the tender process adhered to the official regulations. However, the documents not only corroborate the legal prescriptions, but also elucidate details of the tender process and inter-office communications within the administrative network overseeing the *guṭhīs*.

24 Abbreviation for *mohara rupaiyā*, "a Nepali monetary unit equivalent to two eight-anna silver pieces (*mohar*-s) or 64 *paisa*-s" (Pant/Pierce 1989: 93).

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The bids were received at a local office and afterwards forwarded to the Guṭhī Jā̃ca Aḍḍā, which prepared a report and sent it to the Mulukī Aḍḍā. The latter made the final decision and returned it to the Guṭhī Jā̃ca Aḍḍā. Still, from the following events it is seen that it was possible to deviate from what is spelled out in the MA 1888.

The subsequent document (NGMPP K 499/41; Doc. 3 of the Appendix), dated the 6th of the bright fortnight of Āśvina, records the decision of the commander-in-chief[25] on the petition of a certain Kularatna, who missed the deadline for submitting his bid and asks to be allowed to participate in the process. As an excuse why he could not make it to the authorized office on the last day of the deadline during opening hours, he states that he had to attend a death ceremony. In the first part of the document, the opinion of the Apīla Aḍḍā on the case is quoted, which recommends that Kularatna nevertheless be allowed to participate. The Apīla Aḍḍā is often referred to as the country's highest appellate court. But its earlier designation, Bintīpatra Niksari Aḍḍā, implies that it also dealt with sorts of petitions.[26] Later in the document, the statement of the Apīla Aḍḍā is followed by a statement of a clerk at the Guṭhī Jā̃ca Aḍḍā, who argues that the participation of Kularatna violates the prescribed procedure and that the contract of Meheramāna had already been approved. Finally, however, the oral decision of the commander-in-chief is quoted, who decided that Kularatna be allowed to submit his bid, but the bidders should be assembled and the license be auctioned off due to the fact that Dasaĩ and consequently the days for gambling were imminent and therefore not enough time to conduct a proper tender process. In any case, it is noteworthy that one of the reasons given for the exception is that Kularatna at least arrived during the evening on the day of the deadline, which can be seen as an attempt to reconcile the exception with the existing legal framework.

What we are witness to in the following two documents in consequence of this decision is an out-and-out bidding war between Meheramāna and Kularatna, as recorded in two bonds (NGMPP K 499/48, K 499/47, Docs. 4 and 5 of the Appendix), both from the 12th of the bright fortnight of Āśvina, i.e., six days after the date of Document 3. It seems that the context of these two documents is a meeting between the two interested parties ordered by the commander-in-chief, in which the license was supposed to be auctioned off. In the first of these two

25 In Rāṇā Nepal the prime minister simultaneously held the office of commander-in-chief.

26 See Agrawal 1976: 36ff.

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documents, Meheramāna promises to pay 60 *moru* per annum, four *moru* more than Kularatna. By contrast, in the next document Meheramāna admits that he has been outbid by Kularatna: he cannot offer more than 80 *moru*, whereas the latter is ready to pay as much as 84 *moru* per year.

How is this suspension of the usual procedure to be understood? Since the documentary evidence is fragmentary, it is not possible to give an unambiguous answer. I can only offer two possibilities here:

First, the exception was granted in order to increase income for the *guṭhī* in question. Thanks to the bidding war between Meheramāna and Kularatna, the rent finally climbed up to 84 *moru* per year, more than double the amount of the first tender. Ordering a new tender may simply have been a strategy to spark the competition and thereby increase the value of the gambling license. Second, Kularatna perhaps received preferential treatment due to the fact that he had contracted other revenue-generating arrangements with the Annapūrṇā Guṭhī. From a report of the Guṭhī Bandobasta Aḍḍā (Guṭhī Affairs Office)[27] from 1904[28] we know that Kularatna entered into a revenue-generating contract involving two pieces of *guṭhī-raikara* land belonging to the Annapūrṇā Guṭhī. Therefore, it may be the case that the administration granted this exception to someone known as a reliable contractor.

Conclusion

The regulations for gambling in Rāṇā-era Nepal served three objectives: first, to accommodate an established socio-ritual practice; second, to maintain social order; and third, to generate income for the state. The last of these was achieved by treating gambling as a state monopoly, whose venues were rented out for the highest bid according to principles governing revenue-farming arrangements (*ijārā* system). The case study presented here proves that the bureaucratic procedures for the management of the *ijārā* system laid down in the MA 1888 were largely in practice in the context of the Annapūrṇā Guṭhī. The prescribed procedures were made reference to and observed within the *guṭhī* administration

27 The Guṭhī Bandobasta Aḍḍā appears to have been established by Jaṅga Bahādura Rāṇā in 1852–1853 to replace the former Guṭhī Kacaharī. Its foundation marks the change from the *guṭhīyāri* system of *guṭhī* management to the contractor-based system (see Regmi 1978: 713–714).

28 See NGMPP K 242/31.

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and inter-office communications. Even the order issued under the name of the commander-in-chief, which obviously deviated from the injunctions of the MA (NGMPP K 499/41; Doc. 3 of the Appendix), is formulated as an interpretation of the existing legal framework rather than explicitly overruling it. This underlines the high normative value the MA enjoyed in the self-representation of the Rāṇā state.

Still, it would be misleading to take a solely legalistic approach to the study of market governance during the Rāṇā period, since legal regulations were not completely hewn in stone. Bureaucratic instruments existed, which provided societal actors with room to negotiate their way through the legal framework. It seems that the practice of petitioning was crucial in this context, and quite effective as well, as our case suggests.[29] Kularatna's petition did not end up in a dusty office shelf, but was forwarded by the Apīla Aḍḍā to the responsible offices. Thus it appears that the Apīla Aḍḍā may have played an important role in translating demands from societal actors into state practice. Still, a petition itself without some means of allowing regular administrative procedures to be suspended would have been ineffective. We find one such option in the order of the commander-in-chief (*pramāṅgī*). However, in the present case it remains unclear whether granting the petition served more the interests of the petitioner or those of the bureaucracy, which was able to increase the value of the revenue-generating arrangement by admitting another competitor.

This micro-historical study, then, raises a number of general and theoretical questions on state and society in Nepal's 'long nineteenth century': Was the dialectic between petitions and the orders of the commander-in-chief one that allowed societal actors from below to influence and redirect rigid state policies, and consequently kept the state responsive to initiatives from below? Or was it rather an instrument that enabled state authorities to employ legal measures arbitrarily, turning a predictable legal framework into an extra-legal despotism? Only further research on the interaction between state, law and society in Rāṇā-era Nepal will help to answer these questions.

29 The role of petitions has been stressed in recent approaches to "state building from below" which emphasize communicative and other interactional angles as well as local initiatives in the development of early modern statehood in Europe (see e.g. Holenstein 2009: 5, 13f.). Recently, S. Rupakheti (2016) has considered the formation of the Nepalese state along these same lines.

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Appendix

Editorial Conventions

The texts have been transcribed as faithfully as possible; the orthography, for instance, has not been changed into modern Nepali. Nepali case endings are treated as true suffixes and Nepali compound verbs have been joined. The *nukta*-sign (as in क़, य़) and middle dot (•)[30] have been silently ignored in the editions. The *daṇḍa* (।) has been supplied to the text as a sentence breaker where necessary. The various types of macrons and lines are uniformly represented by "---". Line numbers have been added for the main body of the original text.

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Editorial Signs

[]	editorial addition
{}	editorial deletion
[...]	lacuna, breakage
<>	scribal addition

30 This sign in many cases functions as a word separator but it is sometimes also used without any obvious purpose.

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Document 1: A Report by the Guṭhī Jāca Aḍḍā re the Tender Process of the Gambling License at the Market Square of Asan

Dated VS 1959, Tuesday, the 13th of the dark fortnight of Āśvina (1902 CE); Guṭhī Saṃsthāna card no. 4; Po. no. 4 Gu. Bam.; microfilmed as NGMPP K 499/44; for the digital edition, see DOI: https://doi.org/10.11588/diglit.37000.

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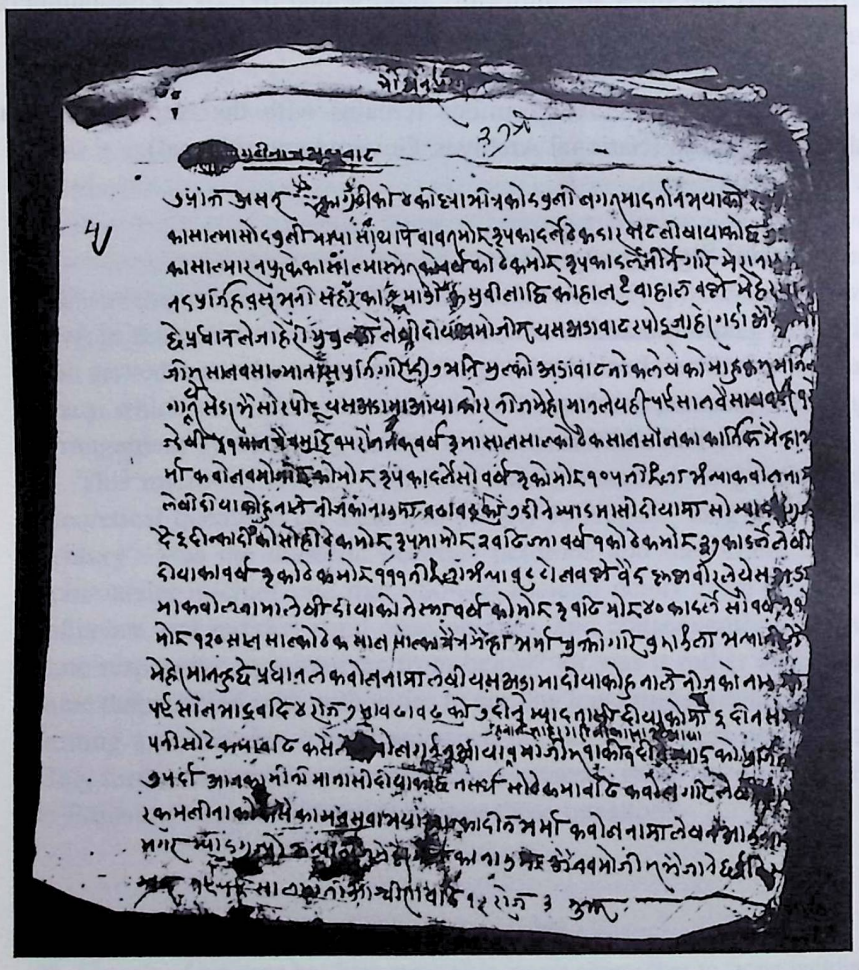

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श्री अन्नपूर्णा
१
[Seal]

1 गुठी जाच अड्डावाट
उप्रान्त असन् ---१---का गुठीको ४ कीह्लाभीत्रको डवुली लगत्मा दर्ता नभयाको र जुवा [फुके]-
का साल्मा सो दवुलीमा पासा थापेवापत् मोरु ३५ का दर्ले ठेकदारवाट लीषायाको छ। जुवा [फुके]-
का साल्मा र नफुकेका साल्मा स्मेत्को वर्षको ठेक मोरु ३५ का दर्ले तीर्ने गरि मेरा नाउमा [स]-
5 नदपुर्जि हवस् भनी सहर काठमाडौ कसुवीलाछिको हाल् टुंवाहाल वस्ने मेहेरमा[न] न्हु-
छे प्रधानले जाहेरी मुचुल्का लेषीदीयावमोजीम् येस अडावाट रपोट् जाहेर गर्दा ऐनवमो-
जीम् सालवसाल्मा ताँसपुर्जि[31] गरिदीनु भनि मुल्की अडावाट तोक लेषेकोमा हुकुम् मर्जि ल-
गा<ये>त् सदर भै सो रपोट् येस अडामा आयाको र नीज मेहरमानले यही ५९ साल वैसाष वदी १
[रो]-
ज्देषी ६१ साल चैत्र सुदि १५ रोजतक् वर्ष ३ मा सालसाल्को ठेक सालसालका कार्तिक मैन्हाभ-
10 र्मा कवोलवमोजीम्को मोरु ३५ का दर्ले सो वर्ष ३ को मोरु १०५ तीरुंला भंन्या कवोलना[मा]
लेषीदीयाको हुनाले नीजका नाउमा वढावढ्को ७ दीने म्याद मासीदीयामा[32] सो म्याद नगुज्र-
दै ६ दीन्का दीँको सोही ठेक मोरु ३५ मा मोरु २ वढि ज्मा वर्ष १ को ठेक मोरु ३७ का दर्ले लेषी-
दीयाका वर्ष ३ को ठेक मोरु १११ तीरुंला भंन्या वटुटोल वस्ने वैद कृष्णवीरले येस अडा-
मा कवोलनामा लेषीदीयाको तेस्मा वर्षको मोरु ३ वढि मोरु ४० का दर्ले सो वर्ष ३ को
15 मोरु १२० सालसाल्को ठेक सालसाल्का चैत्र मैन्हाभर्मा चुक्ती गरि वुझाउंला भन्या नीजै
मेहेरमान न्हुछे प्रधानले कवोलनामा लेषी यस अडामा दीयाको हुनाले नीजको नाउमा
५९ साल भाद्र वदि ४ रोज ७ मा वढावढ्को ७ दीने म्याद तासीदीयाकोमा[33] ६ दीनसम्म
पनी सो ठेकमा वढि कसैले कवोल गर्न नआया<को हुनाले जाहेर गरी नीकासा भै आया>वमोजीम्
वाकी १ दीने म्यादको पुर्जि ता[स्]-
नु[34] पर्दा आजका मीतीमा तासीदीयाको[35] छ। तसर्थ सो ठेकमा वढि कवोल गरि लेषीयाको
20 रकम लीनाको कसैका मनसुवा भया आज्का दीनभर्मा कवोलनामा लेषन आउन्या का-
म गर। म्याद गुज्र्यो भन्या नीज मेहरमानका नाउमा ऐनवमोजीम् भैजाने छ। ईति स-
म्वत् १९५९ साल मीती आश्वीण वदि १३ रोज ३ शुभम्। ---

31 For *ṭãsapurjī*.
32 For *ṭãsīdīyāmā*.
33 For *ṭãsīdīyākomā*.
34 For *ṭā[s]nu*.
35 For *ṭãsīdīyāko*.

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Translation:

Venerable Annapūrṇā 1

From the Guṭhī Jā̃ca Aḍḍā.[36]

Uprānta:[37] The market square which is within the four boundaries of the Guṭhī of -1- (i.e., Venerable Annapūrṇā) at Asan is not registered in the record book. The contractor has been made to write down the rate of 35 *moru* for establishing gambling at the market square during the years when gambling is permitted. A report was sent by the Aḍḍā in accordance with testimony given by Meheramāna Nhuche Pradhāna from Kasuvīlāchi, city of Kathmandu, who currently lives in Ṭuṃvāhāla, stating: "An order (*sanada-purjī*) should be issued under my name that I pay the rate of 35 *moru* per annum during the years when gambling is permitted as well as the years when it is not permitted." It was sanctioned by the Mulukī Aḍḍā, which stated: "Every year post a notice in accordance with the *Ain*." This report was returned to this Aḍḍā with the approval of the [above-mentioned] order. Meheramāna has written a promissory statement stating: "As promised, I will pay the annual contract [sum] for three years starting from ...[38] day, the 1st of the dark fortnight of Vaiśākha in the [Vikrama] year [19]59 to the 15th of the bright fortnight of the [Vikrama] year [19]61 every year within the month of Kārttika, [which amounts to] 105 *moru* for three years at the rate of 35 *moru* [per annum]." Therefore, the seven-day deadline for [the submission of] bids was posted under the name of that person. On the sixth day when the deadline had not yet expired, Vaida[39] Kṛṣṇavīra, who lives in Vaṭu Ṭola, wrote a bond to this Aḍḍā, stating: "As I wrote, I will pay 111 *moru* for the three-year contract at the rate of 37 *moru* per annum, which is two *moru* more than the 35 *moru* [promised earlier]." [In response] to this [bid], Meheramāna Nhuche Pradhāna wrote a bond and submitted it to the Aḍḍā, stating: "I will pay 120 *moru* for three years at the rate of 40 *moru* [per annum,] which is 3 *moru* more, with each year's contract sum being cleared within the month of Caitra." [Thus] the seven-day deadline for [submission of] bids was posted

36 A seal, probably of the Guṭhī Jāca Aḍḍā, has been affixed to this line.
37 Lit. "hereafter." In earlier prose and documents, this word marked the beginning of a text or paragraph.
38 Due to breakage in the manuscript, the weekday cannot be determined.
39 This is probably meant as the professional title *vaidya*, an Ayurvedic doctor.

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on Saturday, the 4th of the dark fortnight of Bhādra in the [Vikrama] year [19]59. Since nobody came to promise more for the contract even by the sixth day [of the deadline period], the notice for the last day of the deadline period had to be posted in accordance with the decision [taken] on the information given. It has been posted today. Therefore, if anybody wishes to take the contract fee as described by promising more [than the bid of 120 *moru* for three years] for this contract, come to write a bond by today. If the deadline expires, [the contract] will be [issued] under the name of Meheramāna.

Tuesday, the 13th of the dark fortnight of Āśvina in the [Vikrama] year 1959.

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Document 2: A Written Statement by Ratanamāna Jyāpu, Āsāmāna Jyāpu and Sīva Bāhādura Nakarmī re the Reassignment of the Gambling License at the Asan Market Square

Dated VS 1959, Wednesday, the 14th of Āśvina (1902 CE); Guṭhī Saṃsthāna card no. 6; Po no. 4 Gu. Bam.; microfilmed as NGMPP K 499/46; for the digital edition, see DOI: https://doi.org/10.11588/diglit.36938.

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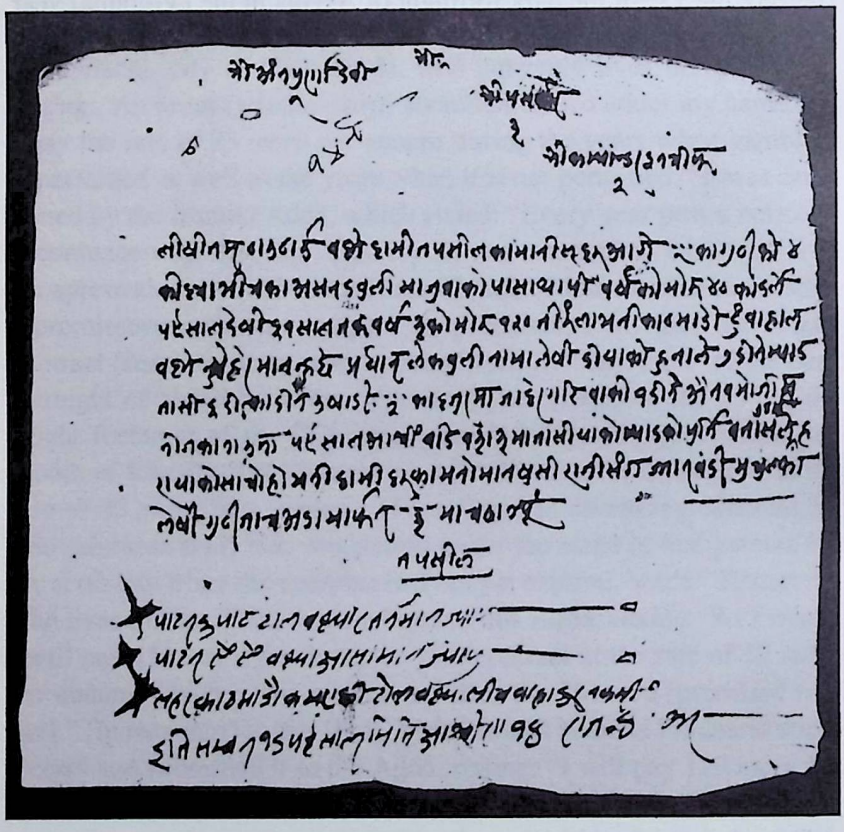

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श्री ५ सर्कार\
३\
श्रीकम्यांन्डर इन चीफ\
२\
<१४ नं>[40]

1 लीषीतम् ठाउठाऊ वस्ने हामी तपसीलका मानीस्हरु। आगे ---१---का गुठीको ४
कील्लाभीत्रका असन दवुलीमा जुवाको पासा थापी वर्षको मोरू ४० का दर्ले
५९ सालदेषी ६१ सालतक वर्ष ३ को मोरू १२० तीरूंला भनी काठमाडौ टुंवाहाल
वस्ने मेहेरमान न्हुछे प्रधान्ले कवुलीनामा लेषीदीयाको हुनाले ७ दीने म्याद
5 तासी[41] ६ दीन्का दीन उषाडी ---२---का हजुरमा जाहेर गरि वाकी १ दीने ऐनवमोजीम
नीजका नाउमा ५९ साल आश्वीं वदि १३।३ मा तासीयाको[42] म्यादको पुर्जि वतासले <उडाई> ह-
रायाको साचो हो भनि हामीहरूका मनोमान षुसीराजिसंग ज्मान्वंदी मुचुल्का
लेषी गुठी जाच अड्डामार्फत् ---३---मा चढाञ्यूं। ---

तपसील

10 पाटन् दुपाट टोल वस्न्या रतनमान ज्यापु ---१
पाटन् ऐं ऐं वस्न्या आसामान ज्यापु --- १
सहर काठमाडौ कमराछीटोल वस्न्या सीव वाहादुर नकर्मी --- १

इति सम्वत् १९५९ साल् मिति आश्वीण १४ रोज ४ शुभम् ---

40 Added by a second hand in the upper margin.
41 For *ṭāsī*.
42 For *ṭāsīyāko*.

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Translation:

Śrī
Venerable Goddess Annapūrṇā 1
Five-times Venerable Sarkāra[43] 3
Venerable Commander-in-Chief 2
No. 14[44]

The following has been written by us, the persons mentioned in the details [below], residing in separate places. *Āge*:[45] Meheramāna Nhuche Pradhāna, who lives in Ṭuṃbāhāla, Kathmandu, [earlier] wrote [the following] bond: "I will arrange for the dice for gambling at the Asan market square within the four boundaries of the Guṭhī of -1- (i.e., Venerable Goddess Annapūrṇā) and pay 120 *moru* for three years from the [Vikrama] year [19]59 to [19]61 at a rate of *moru* 40 per annum." A notice [to this effect] was posted for [the official] seven-day period. On the sixth day it was removed and -2- (i.e., Venerable Commander-in-Chief) was informed of this [fact]. It is true that when one day was left on the fixed-period notice, which was posted on Tuesday, the 13th of the dark fortnight of Āśvina in the [Vikrama] year [19]59, under the name of the above-mentioned person in accordance with the *Ain*, it was lost, having been blown away by the wind. We have of our own volition submitted a witnessed written statement (*muculkā*) [to this effect] to -3- (i.e., Five-times Venerable Sarkāra) through the Guṭhī Jāca Aḍḍā.

Details:
Ratanamāna Jyāpu, residing in Dupāṭa Ṭola, Patan --- 0
Āsāmāna Jyāpu, residing at the same place (i.e., Dupāṭa Ṭola), Patan --- 0
Sīva Bāhādura Nakarmī, residing in Kamalāchī Ṭola, the city of Kathmandu --- 0

On Wednesday, the 14th of Āśvina in the [Vikrama] year 1959. [May it be] auspicious.

43 Lit. "five-times venerable ruler"; title used by the Śāha kings (Whelpton 2005: 266).
44 The meaning of this number is unclear and may have been assigned for archival purposes.
45 Lit. "henceforeward"; used in documents to mark the beginning of a text or paragraph.

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Document 3: A *Pramāṅgī* by the Commander-in-Chief re the Tender Process for the Gambling License at the Market Square of Asan

Dated VS 1959, Tuesday, the 6th of the bright fortnight of Āśvina (1902 CE); Guṭhī Saṃsthāna card no 1; Po. no. 4. Gu. Bam.; microfilmed as NGMPP K 499/41; for the digital edition, see DOI: https://doi.org/10.11588/diglit.36999.

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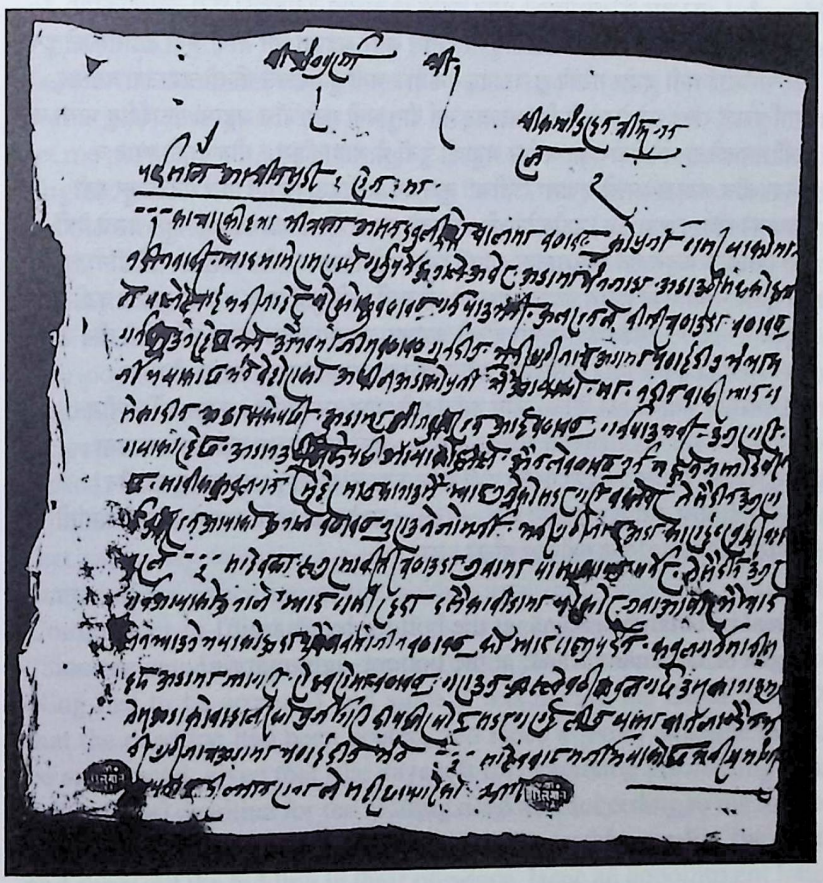

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रल
२

1 ५९ साल आश्वीन सुदी ६ रोज ३ मा
---१---का चार कील्लाभीत्रका असन दवुलिको वालमा वढावढ्को पुर्जी टासीयाकोमा
१ दीन वाकी म्यादमा मेरा सराध्ये गर्नुपर्ने हुनाले अवेर अडामा भंन जादा अडा उठीसकेको हुना-
ले पालेलाई भनी जाहेर गरेको छु वढावढ् गर्न पाउ भनी कुलरत्नले वीन्ती चढाउदा वढावढ्
5 गर्न पाउने रहेछ भने ऐनवमोजीम् वढावढ् गर्न दीनु भनी गुठी जाँच अड्डामा पठाईदीनु भंन्या म-
र्जी भयाको छ भंने वेहोराको अपील अड्डाको पुर्जी भै आयाकोमा १ दीन वाकी म्याद व-
सेका दीन अडा सकेपछी अडामा रातीज[46] कुलरत्न आई वढावढ् गर्न पाउ भनी उजुर गरी
गयाको रहेछ। अडा {न}उठीसकेपछी आयाको हुनाले ऐनले वढावढ् गर्नु नहुने जस्तो देषी-
छ। सावीक कवुल गर्ने मेहेरमानका नाउमै म्याद गुज्रेको सदर गरीवक्स्यो तर तेसै दीन उजुर ग-
10 र्न कुलरत्न आयाको हुनाले वढावढ् गराउने जो मर्जी भनी गुठी जाच अडाका राईटर वुद्धी वहा-
दुरले ---२--- साहेवका हजुरमा वीन्ती चढाउदा जुवामा पासा थापनु पर्ने र तेसै दीन उजुर
गर्न आयाको हुनाले म्याद टासीरहदा दसैका वीदामा परेको र जुवा आषीर भै म्याद-
ले नभ्याउने भयाको हुदा ऐनवमोजीम वढावढ्को म्याद टास्नु पर्दैन। कवुल गर्ने मानीस-
हरु अडामा ज्मा गरी रोहवरोमा वढावढ् गराउनु। जस्ले वढी कवुल गर्छ उस्का नाउमा
15 तेस् अडाको वाहालीको पुर्जी गरीदी पछी रपोट् सदर गराई लीनु। यस्मा वात लाग्दैन
भनी गुठी जाच अडामा पठाईदीनु भंने ---२--- साहेववाट मर्जी भयाको छ भनी प्रमांगी
कपतान दील्मान रानाले सहीछाप गरेको। छाप ---

[seal of Dilamāna Rānā; at the bottom-left margin]
[seal of Dilamāna Rānā; at the bottom-right margin]

46 For *rātī*.

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Translation:

Śrī
Venerable Annapūrṇā 1
Venerable Commander-in-Chief General 2
On Tuesday, the 6th of the bright fortnight of Āśvina in the [Vikrama] year [19]59.
A note from the Apīla Aḍḍā [earlier] arrived with the following details: Kularatna has submitted a petition stating: "In the matter of the note posted for the bidding process for renting the market square of Asan within the four boundaries of -1- (i.e., the Guṭhī of Venerable Annapūrṇā), given that I had to perform a death ritual on the last day before the deadline, and since the Aḍḍā had already closed when I went, [too] late, to tell this to it, I informed the watchman, [so please] let me participate in the bidding." [The following] was ordered: if he is eligible to bid, let [him] make a bid in conformity with the *Ain* and send his bid afterwards to the Jā̃ca Aḍḍā. Buddhī Bahādūra, the clerk of the Guṭhī Jā̃ca Āḍḍā, informed -2- (i.e., the Commander-in-Chief General), stating: "Kularatna came to the Aḍḍā in the night when the Aḍḍā had already closed, on the day which was the last day of the deadline [period] and made a petition, stating: '[Please] let me participate in the bidding.' It seems that according to the *Ain* we should not let him participate in the bidding, since he arrived when the Aḍḍā [already] had closed. You gave post-deadline approval in the name of Meheramāna who had earlier promised [a sum in the bid], but since Kularatna came that same day to make a petition, whatever order [you give] in the matter of the execution of the bidding [we shall obey]." -2- (i.e., the Commander-in-Chief General) Sāheba has ordered [the following]: "Since he came on the same day to make a petition as the dice for gambling had to be arranged and since it was during the Dasaĩ holidays that the deadline had been posted, and since a [new] deadline cannot be announced, given that [the days left for] gambling are coming to an end, a [new] deadline for the bidding need not, according to the *Ain*, be posted. Assemble the people who have promised [a sum] in the Aḍḍā and carry out the bidding in their presence. Issue an appointment letter from the Aḍḍā in the name of the person who promises the highest [sum], and later obtain approval of the report [sent]. In this matter you will not be blamed. Forward it (i.e., the report) to the Guṭhī Jā̃ca Aḍḍā." This has been signed and stamped by Captain Dilamāna Rānā.[47]

47 The seal of Dilamāna Rānā has been affixed to the beginning and end of this line.

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Document 4: A Promissory Note by Meheramāna Nhuche Pradhāna to the Government re the Gambling License at the Market Square of Asan

Dated VS 1959, Tuesday, the 12th day of the bright fortnight of Āśvina (1902 CE); Guṭhī Saṃsthāna card no. 8; Po. no. 4. Gu. Bam.; microfilmed as NGMPP K 499/48; for the digital edition, see DOI: https://doi.org/10.11588/diglit.32509.

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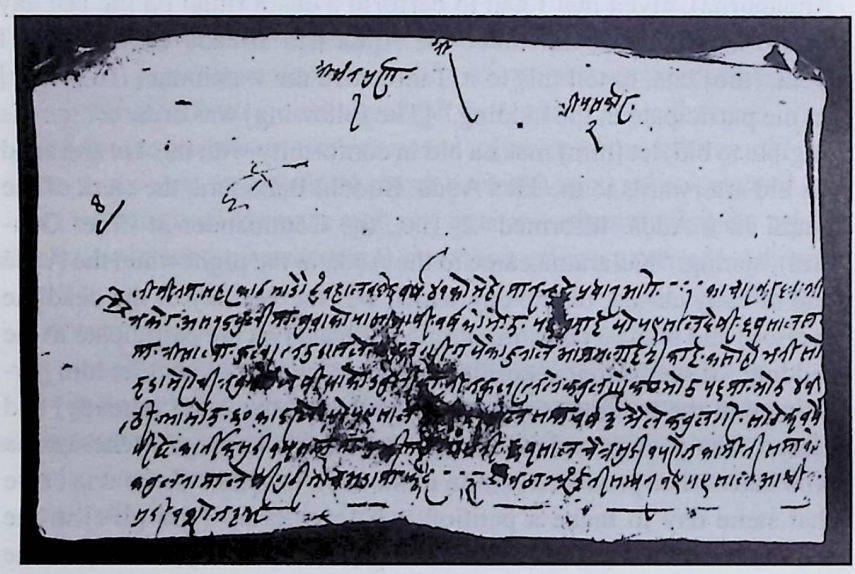

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Edition:

श्री\
श्री अंनपुर्णा
१
श्री ५ सर्कार
२
सही[48]

1 लीषीतम सहर काठमाडौ टुंवहाल वस्ने वर्ष ४१ को मेहेरमान् न्हुछे प्रधान्। आगे ---१---का चार
कील्लाभी-
त्रको असन् दवुलीमा जुवाको पासा थापी वर्षको मोरु ५६ वुझाई यो ५९ सालदेषी ६१ साल स-
म्म त्रीसाला कुलरत्न उदासले कवुल गरीगयेको हुनाले आज मलाई झीकाई कसो हो भनी सो-
द्धा मेरो चीत्त वुझी लेषीयाको दवुलीको नीज कुलरत्नले कवुल गरेका मोरु ५६ मा मोरु ४ व-
5 ढी ज्मा मोरु ६० का दरले यो ५९ सालदेषी ६१ सालसम्म वर्ष ३ मैले कवुल गरे। सो ठेक् वर्षे-
पीछे कार्तीक सुदी १५ सम्ममा चुक्ती गरुंला भनी ६१ साल चैत्र सुदी १५ रोजका मीतीसम्मको
कवुलनामा लेषी गुठी जाच अडा मार्फट् ---२--- मा चढाञ्यूं। ईती सम्वत् १९५९ साल आश्वीन
सुदी १२ रोज ३ शुभम् ---

48 The signature of Meheramāna Nhuche Pradhāna is in the left hand margin.

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Translation:

Śrī

Venerable Annapūrṇā 1

Five-times Venerable Sarkāra 2

Signature

[The following] has been written by [me,] Meheramāna Nhuche Pradhāna, aged 41 [and] living in Tuṃbahāla, Kathmandu: "Kularatna Udāsa made a promise to pay 56 *moru* per annum for three years from [Vikrama year] [19]59 to [19]61 [for the contract] for organizing gambling at the market square of Asan within the four boundaries of -1- (i.e., the Guṭhī of Venerable Annapūrṇā). Therefore, today I was called to the Aḍḍā and when I was asked about this, I was content to promise 4 *moru* on top of the 56 *moru* which had already been promised by Kularatna Udāsa [for the gambling contract at] the said market square—thus amounting to a rate of 60 *moru* per annum in total for three years, from [Vikrama year] [19]59 to [19]61. I submit a written bond to -2- (i.e., Five-times Venerable Sarkāra) through the Guṭhī Jāca Aḍḍā for the period up to the 15th day of the bright fortnight of Caitra in 1961, stating that I will pay off the contract [sum] every year by the 15th of the bright fortnight of Kārttika."

Tuesday, the 12th of bright fortnight of Āśvina in [the Vikrama year] 1959.

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Document 5: A Written Statement by Meheramāna Nhuche Pradhāna to the Government Withdrawing from the Tender Process for the Gambling License at the Market Square of Asan

Dated VS 1959, Tuesday, the 12th of the bright fortnight of Āśvina (1902 CE); Guṭhī Saṃsthāna card no. 7; Po. no. 4. Gu. Bam.; microfilmed as NGMPP K 499/47; for the digital edition, see DOI: https://doi.org/10.11588/diglit.32510.

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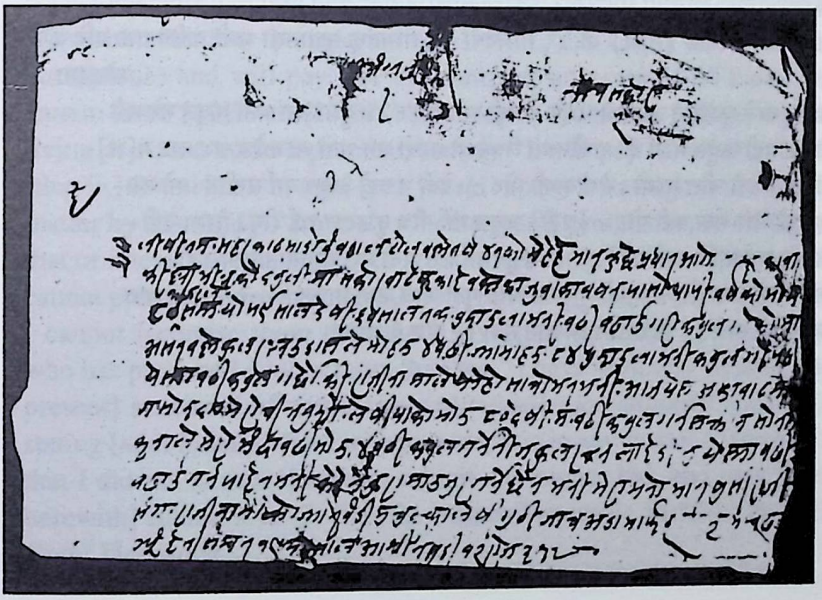

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१
श्री ५ सर्कार
२
सहि[49]

1 लीषीतम सहर काठमाडौ टुंवहालटोल् वस्ने वर्ष ४१ को मेहेरमान् न्हुछे प्रधान्। आगे ---१---का
चार
कील्लाभीत्रको दवुलीमा सर्क़ारवाट फुकाईवक्सेका जुवाका वषत् पासो थापी वर्षको मोरु
८० <का दरले> {सम्म} यो ५९ सालदेषी ६१ सालतक् वुझाउला भनी वढीवढाऊ गरि कवुल
गरेकोमा
असन् वस्ने कुलरत्न उदासले मोहरु ४ वढी ज्मा मोहरु ८४ वुझाउला भनी कवुल गरेपछी
5 येस्मा वढी कवुल गर्छौं की राजीनामा लेषने हो साचो भन भनी आज येस अडावाट म[सं]-
ग सोद्दा मेरो चीत्त वुझ्यो। लेषीयाको मोरु ८० देषी म वढी कवुल गर्न सक्तीन। सो नस-
क्नाले मेरो भंदा वढी मोरु ४ {वढी} कवुल गर्ने नीज कुलरत्नलाई दीनु। येस्मा वढी-
वढाऊ गर्न पाईन भनी कौनै कुरामा उजुर गर्ने छैन भनी मेरा मनोमान षुसीराजी-
संग राजीनामाको ज्मान्वंदी मुचुल्का लेषी गुठी जाच अडा मार्फट् ---२--- मा चढा-
10 ज्यूं। ईती सम्वत् १९५९ साल आश्वीन सुदी १२ रोज ३ शुभम्। ---

49 The signature of Meheramāna Nhuche Pradhāna is in the left hand margin.

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Translation:

Śrī

Venerable Annapūrṇā 1

Five-times Venerable Sarkāra 2

This has been written by [me,] Meheramāna Nhuche Pradhāna, aged 41 [and] living in Ṭuṃbahāla Ṭola, Kathmandu city. *Āge*: I increased the bid and made a promise, stating: "I will organize gambling on the occasions permitted by Sarkāra at the market square [of Asan, which is] within the four boundaries of -1- (i.e., the Guṭhī of Venerable Annapūrṇā) and will pay [for the contract] at a rate of 80 *moru* per annum from [19]59 to [19]61." Whereupon Kularatna Udāsa, who is living at Asan, made a promise, stating: "I will pay 4 *moharu* more, [that is,] 84 *moharu* in total [per year]." Today I was asked about this matter by this Aḍḍā: "Say truly whether you'll promise more on top of that or intend to write a letter of withdrawal," I was content [to say]: "I cannot promise more than the 80 *moru* [already] written [by me]. Since I cannot [promise more than that], give [the contract] to Kularatna, who has promised 4 *moru* more than me." I have willingly written [the present] statement of withdrawal (*rājīnāmāko jamānbaṃdī muculkā*), stating [additionally] that I will not complain in any matter to the effect that I did not have a chance to submit any higher bid, and may [now herewith] submit it to -2- (i.e., Five-times Venerable Sarkāra) through Guṭhī Jā̃ca Aḍḍā.

Tuesday, the 12th of the bright fortnight of Āśvina in the [Vikrama] year 1959. [May it be] auspicious.

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Abbreviations

ĀpDhSū	*Āpastambadharmasūtra*
MA 1854	*Mulukī Ain* of 1854
MA 1888	*Mulukī Ain* of 1888
MDh	*Mānavadharmaśāstra*
NGMPP	*Nepal-German Manuscript Preservation Project*
VS	Vikrama Saṃvat
YDh	*Yājñavalkyadharmaśāstra*

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Some Unpublished Gorkhali Documents and Early British Records: The Example of the Seṇū Jośī Community

Maheshwar P. Joshi and Madan Mohan Joshi

Introduction

There was a time when Uttarakhand (India) and Far West Nepal formed one single polity under the Katyūrīs who ruled this region from at least the fourth century CE onwards (see for details, M.P. Joshi 2014a, and references therein). The Katyūrīs continue to figure in cultural events in many parts of this region even today (M.P. Joshi 2014b). Consequently, the vast majority of the masses inhabiting the cis-Kali (India) and the trans-Kali (Nepal) region of the Indo-Nepal border share a common history, culture, language, traditions and, above all, kinship relations.[1] Interestingly, while studying the folklore of this region, Gaborieau observed:

> On field enquiry, it appears that part of the same corpus of legends is also known in the Westernmost districts of Nepal between the Karnali and the Mahakali rivers, where once flourished the kingdoms of Doti, Bajhang and Accham. Thus the whole area from Western Nepal to Garhwal must be considered as one from the point of view of the culture. (Gaborieau 1977: xii)

Sadly, this aspect of Indo-Nepal relations has exceedingly few takers in academic circles, hence it remains little known. Among those who share common history and culture, the Āṅgirasa *gotrī* Jośīs, variously known as Seṇū/Siṇai/Seḍhyāla Jośīs in Kumaon (Pāṇḍe 1937: 566,

1 See for details, M.P. Joshi 2010, 2014a, 2014b; Joshi et al. 2014.

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578) and Seḍhāī Jośī/Joisī/Jaisī in the Gorkhali documents (M.R. Pant 2002: 127 n. 95), are conspicuous by their envious presence in the official documents of the Gorkhalis (D.R. Panta VS 2063; M.R. Pant 2002) and total absence in the early official British records (M.P. Joshi 2011).

The *vaṃśāvalī* (genealogy) of the Seṇū Jośīs of Kumaon reads that its compiler consulted a number of literary texts and knowledgeable persons to redraft it, and it was completed in Śaka 1702 (1780 CE). In sum, it informs us that Padmanābha, the progenitor of the Āṅgirasa *gotrī* Jośīs in Uttarakhand, a priest in the temple of Somanātha in Gujarat, came to the hills along with his family during the reign of King Kalyāṇarājadeva in Śaka 590 (668 CE). The king settled his family at modern Joshimath (District Camoli, Garhwal), which place was named after them. In the course of time, they moved to Kumaon under the patronage of King Padmaṭadeva, who granted them five villages, including Śeṇugau, in Śaka 936 (1014 CE), whence they dispersed into different places (J. Jośī 2010: Pariśiṣṭha Ā).

One of us (M.P. Joshi 1990a) has studied the *vaṃśāvalīs* of several prominent Brahmin septs of Kumaon. Interestingly, the Āṅgirasa *gotrī* Jośī *vaṃśāvalī* alone is written in paurāṇic diction and does not claim that these Jośīs served their royal patrons as counsellors or high-ranking officials hereditarily under the old regimes, which being the wont of the authors of such literature in Kumaon.

Furthermore, the occurrence of the names of the Katyūrī kings Kalyāṇarājadeva and Padmaṭadeva lends credibility to this *vaṃśāvalī* follows from the fact that these two kings are also known from the Katyūrī inscriptions dated to the ninth-tenth centuries CE (Prinsep 1838; Kielhorn 1896; Sircar 1955–1956). Significantly, on the basis of these inscriptions, Kalyāṇarājadeva's rule may be assigned to the latter half of the eighth century CE and that of Padmaṭadeva to approximately the second quarter of the tenth century CE (M.P. Joshi 1990b: 45–48). Thus, the respective dates of these two kings occurring in the *vaṃśāvalī* are remarkable in that they are close to the ones worked out on the basis of internal evidence of the inscriptions by about a century. Obviously, originally the Āṅgirasa *gotrī* Jośīs were associated with the Katyūrīs, who, as rulers of Far West Nepal, also settled a branch of these Jośīs there.[2]

2 Some of the Āṅgirasa *gotrī* Jośīs settled in Doti still maintain ties with their parent branch in Kumaon, hence in contact with the present authors who are also Seṇū Jośīs.

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In course of time, the Seṇū Jośīs spread to other areas of Nepal, and one of their branches, namely, the house of Satānanda, settled in Ragini (Lamjung).[3] His grandson Dāmodara became a prominent figure in the Gorkhali polity.[4] What is central to the present essay is that at the age of eleven Dāmodara fled to Gorkha from Ragini and, due to his proficiency in astrology, soon became a confidant of the Queen of King Pṛthvīnārāyaṇa Śāha. In Śaka 1691 (1769 CE) he accompanied the Queen when the royal couple moved to Kathmandu. After the death of the Queen, he became a close confidant of Bahādura Śāha (uncle of the minor King Raṇabahādura) who took over as the Regent of Nepal in 1785 CE (ibid.). It is during the Regency of Bahādura Śāha that Gorkha occupied Kumaon in 1791 CE.

Whether it was a coincidence or else due to intimacy with Dāmodara, the Seṇū Jośī, the Gorkhalis appointed Śivarāma, another Seṇū Jośī, to the coveted post of *tahsīldāra* and *paṃca daphatarī* for collection

3 Interestingly, Satānanda's descendant Rājīvalocana Jośī has compiled a *vaṃśāvalī* of his family. According to it, Satānanda "left Jhijhauḍ Gaon in Kumaon because of a breach of conduct on the part of the British and came to Laṃjuṅ in V.S. 1721 when Vīramardana Śāha was reigning" (Pant 2002: 126–127 n. 95; see for text, D. Panta VS 2063: 14–21). However, Dineśarāja Panta (VS 2063: 8 n. 7) has conclusively shown that Vīramardana Śāha was ruling over Lamjung in VS 1839 (1782 CE) when it was annexed to the state of Nepal. Furthermore, the British took over Kumaon in 1815 CE, and the "breach of conduct" could not have taken place earlier than that date, therefore, these discrepancies point to the erroneous presentation of events (M.R. Pant 2002: 126–127 n. 95). To these may be added another fallacious piece of information contained in the *vaṃśāvalī* under reference. It reads that Satānanda belonged to the Āṅgirasa *gotra* and Seḍhāī *thara* (branch/line) of the Jośīs of Jhijhauḍa (Kumaoni Jhijhāḍa) Gāu, which is in modern Champawat District (Kumaon, Uttarakhand). However, Seḍhāi Gāu is the Nepali rendering of Kumaoni Seṇugau, i.e., Village Seṇu (Katyur Valley, District Bageshwar, Uttarakhand), given to the Āṅgirasa *gotrī* Jośīs by Katyūrī King Padmaṭadeva mentioned above. Jhijhāḍa is the original home of the Garga *gotrī* Jośīs of Kumaon associated with the Candra kings of Kumaon and it has nothing to do with the Āṅgirasa *gotrī* Jośīs (see Atkinson 1886: 423; Pāṇḍe 1937: 564–565). Since Garga *gotrī* Harṣadeva Jośī of Jhijhāḍa, "the Earl Warwick of Kumaon", enjoyed a pre-eminent position in the Anglo-Nepal affairs leading to the British occupation of Uttarakhand (see Atkinson 1884: 595–606, 609–610, 616–617, 646–647), it seems, by showing affiliation with Jhijhāḍa Gāu, the chronicler wanted to claim higher socio-political antecedents of his family in Nepal, the like of Harṣadeva of Jhijhāḍa. In that case, this part of Satānanda's *vaṃśāvalī* refers to the times when Harṣadeva Jośī was a close confidant of the Gorkhalis (ca. 1788–1794 CE). They seem to be in strained relations from ca. 1794 CE onwards (see Atkinson 1884: 610ff.), though, seemingly, the Gorkhalis continued to maintain good relations with him. Thus, a royal order of "Samvat 1860" (1803 CE) to Harṣadeva reads: "you are hereby ordered to do faithfully what lies in our interests. We shall grant you possession of the lands given to you by Pratip Shah and Lalit Shah" [of Garhwal] (Regmi 1988: 12).

4 See for details and family archives of Dāmodara, which also include official Gorkhali documents (D. Panta VS 2063).

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of revenue of Kumaon. However, it is also likely that, as one of the documents (Śaka 1860 [1803 CE]) reads, Śivarāma Jośī already held that office during the preceding Candra regime, and therefore he was reappointed to the position. In any case, it suggests that he was taken as a trustworthy official by the Gorkhalis. Śivarāma Jośī belonged to Village Galli (District Almora, Kumaon, Uttarakhand, India).[5]

By virtue of being the *tahsīldāra* of Kumaon, Śivarāma Jośī possessed a large number of archival records.[6] In the present study we will discuss two *lālamohara* documents from his archives (see Appendix), issued by Kājī Gajakesara Pāṁḍe (VS 1860 [1803 CE]) and Sudhākarnasiṃ Bogaṭī (VS 1866 [1809 CE]). We will eventually show that, significantly, these documents deconstruct the official British version of the concerned part of the administrative history of pre-British Kumaon.

From these documents we can see that the office of the *tahsīldāra* and *paṃca daphatarī* was assigned a fairly large number of duties, such as maintenance of the records of all of Kumaon, along with revenue collection, supervision of the headquarters of different administrative units, of storehouses, of arms, of ammunition, and of religious institutions. In fact, the Gorkhali documents clearly show that the office of *daphatarī* was the nerve centre of the revenue management of the state.[7] Therefore, the incumbent of this office was required to be a man of integrity and an experienced, efficient person. Obviously, Śivarāma Jośī met all these qualifications, for, as we learn from Kājī Gajakesara Pāṁḍe's letter, he had already held the office of the *paṃca daphatarī* during the preceding Candra regime and must have proven his integrity.[8] Otherwise, Kājī Gajakesara Pāṁḍe would not have appointed him

5 For the *vaṃśāvalī* of the Seṇū Jośīs of Galli, see P.C. Jośī n.d.

6 Sadly, due to his adventurous lifestyle Śivarāma Jośī could not manage his records as he was always on the move in the wake of the Anglo-Gorkha war. Credit goes to his direct descendant, the late Advocate Rām Candra Jośī, who salvaged some of the archives, which include part of the famous Sanskrit text *Kalyāṇacandrodayam*, and a few *lālamohara* documents, among others. Currently these documents are in the custody of his son Dr. M.M. Joshi (one of the present authors).

7 See Whalley 1870: 37–38; Regmi 1970: 148; for details of its official activities, Regmi 1980, 1981a–d, 1982, 1983ab etc.

8 It is to be noted here that the earliest known revenue registers found in Kumaon belong to the Raikā rulers of Doti-Sira (Far West Nepal-eastern Kumaon), which were adopted by the Candra rulers some time after dislodging the Raikās from the cis-Kali area (India) in 1581 CE. The earliest date of adoption of these records by the Candras as mentioned in these records, which are termed *daphatara*, is Śaka 1522 (1600 CE). Currently these records are being critically examined by the first author (MPJ, see for further information, M.P. Joshi 1992, 1998b, 2005; Joshi/Brown 2000).

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as the Chief Record-keeper in VS 1860 (1803 CE), and he was still in office in VS 1866 (1809 CE) as we learn from the letter of Sudhākarnasiṃ Bogaṭī.

Since the high-ranking Gorkhali functionaries serving in Kumaon were subjected to frequent transfers on account of their arrogance, corruption, neglect of duties and the like, or else due to court intrigues in Kathmandu (see for details, Regmi 1999: ch. 3), Śivarāma Jośī serving for a period of six years is indeed long. It seems that he continued to serve Gorkha throughout up to 1815 CE, as follows from the fact that no Gorkhali document is available showing the termination of his services or else appointment of another person to the office of the *paṃca daphatarī*. In this connection, it is interesting to note that in VS 1862 (1805 CE) King Gīrvāṇayuddha Vikrama Śāha of the Gorkhalis appointed "Ramkrishna Joshi" as "Dafadari" (subordinate to *paṃca daphatarī*) in Kumaon on probation, the conditions being:

> Have statements recorded accurately, without affection or favoritism*,[9] and records (Dafdar) thus prepared. In case you listen to anybody, indulge in maneuvers (Prapanch), receive* bribes and suppress (information), and in case we receive reports to this effect from any source, and we are able to obtain a confession from you, we shall award you punishment according to your caste. In case you have accurate statements recorded, and discharge your functions* promptly* accordingly to the regulations, we shall grant you rewards (Rijh) and confirm you in your post. (Regmi 1972: 65–66)

It may be noted that Kumaon during those days was divided into several administrative units called *parganā*, and Ramkrishna Joshi was appointed as keeper of records ("Dafadari") of a *parganā*, obviously under Śivarāma Jośī who was in-charge of the whole of Kumaon. We do not know whether the former was confirmed in his post or not; however, as can be noticed, no such condition was imposed on Śivarāma Jośī when he was appointed to the office of the *paṃca daphatarī*. Obviously, his integrity was never doubted, even though he had served the adversary of Gorkha.

9 *Asterisk-marked words, misspelled in the original text owing to typographical mistakes, have been corrected.

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The British Accounts

It may be noted that the early British archival material is replete with references to certain local "principal inhabitants" whom the British contacted for support to conquer Kumaon-Garhwal (Saksena 1956: 1–9, 16–23, 31–42, 56–61, etc.). After the conquest, the British created a new group of subordinate political elites from those "principal inhabitants" who, by virtue of their high caste, claimed to have enjoyed hereditary bureaucratic status from the pre-Gorkha regimes and who vouched for utmost loyalty to the British. In the process, "Othering" their own fraternity, a new section of local political elites claiming hereditary descent to high offices emerged to share power. Read in this context, omission of the Seṇū Jośīs from the pre-British administrative history of Kumaon as recorded by the early British can be explained. Whether such discrepancies were the products of British ignorance or of manufactured history, in either case, they relate to the process of "Othering" (see for details, M.P. Joshi 1998a, 2011).

The so-called Jaisi caste in Nepal is a unique example of the process of "Othering". Thus, Acharya (1970: 277), writing on "The Jaisi Caste", notes:

> The Smritis, written in the plains of the "Madhydesha" between the Ganga and Jamuna rivers, regard it as a sin for a Brahman to take a married woman or widow of Brahman caste as his wife. Children born of a married Brahman woman or widow in this manner are known as "Kunda" and "Golaka" respectively. Orthodox Brahmans framed these rules even though* it was not proper to punish children for the sins of their fathers. However, Brahmans inhabiting principalities established during the medieval period in the hill regions* between Kumaun-Doti and Jajarkot-Salyan mitigated this punishment to some extent. The offspring of the unions mentioned above were employed as Jyotishi, or astrologers, which gradually corrupted to Jaisi, as well as clerks. However, they were not permitted to perform religious functions at the homes of pure Brahmans (Upadhyaya) and pure Kshatriyas* (Thakuri). Jaisis thus occupied a lower rank in the Brahman caste. There were Jaisis all over the hill region up to the Kirat region in the east. In contradistinction, Upadhyaya Brahmans were permitted to study and teach the Vedas, conduct or perform religious functions (Yajnyas) and

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give or accept ritual gifts* (dana). Jaisis were prohibited from teaching the Vedas* to conducting Yajnyas for the [sic] taking ritual gifts from Upadhyaya Brahmans and Thakuris. During the invasion of Nuwakot, Prithvi Narayan Shah employed Kalu Jaisi (Adhikari) of Nuwakot to install a past [? post?] according to Tantric rites at Mahamandal without the knowledge* of his enemy,* Jayant Rana. Jaisis had not been able to do so at Sankhugaun when this village was attacked by Sardar Shivarama Simha Basnyat in 1745. The Gorkhalis were defeated* in this battle. Prithvi Narayan Shah then introduced a rule according to which this task was to be performed* by a brave soldier*, not by a Jaisi, on the hill adjacent to the fort that was the target of attack. But the observance of this rite did not insure victory. Prithvi* Narayan Shah did not recruit Jaisi as soldiers, but employed them to find out prospective* recruits and discharge clerical functions. He had chosen Jaskarna Pande to start the economic blockade of Kathmadu Valley. Upadhyaya Brahmans too functioned* as astrologers and they too were called Jaisis. But these two groups of* Jaisis did not have commensal and marital relations between them, sometimes, an Upadhyaya Brahman who had the mother of Kundaka or Golaka children in his home secretly took rice touched by her. When the secret leaked, expiation was essential, and this sometimes involved the royal family too. In 1759 A.D., the practice was introduced of members* of the royal family and other Kshatriya of offering obeisance* (Pranama) to Upadhyaya Brahmans who functioned as astrologers (Jaisi), and "Salaam" to Kundakas Golakas and their descendants*. Jaskarna Pande received the first "Salaam" accordingly at Belkot in that year. In 1761 A.D., this practice was introduced all over the kingdom of Gorkha. Soon afterwards, Jaskarna Pande sentenced to capital punishment on the charge of having attempted to capture the Crown Prince, Pratap Singh Shah, and hand him over to Jaya Prakash Malla, but this did not affect the practice of offering "Salaam" to Jaisis. Both King Prithvi Narayan Shah and Crown Prince Pratap Simha Shah thus offered "Salaam" in their letters to Srikrishna Pathak, who had taken up the responsibility of attacking Kathmandu Valley. No letter of King Prithvi Narayan Shah in which he has offered "Salaam" in this manner to any other Jaisi has been discovered.

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Acharya is palpably wrong if he is using the word "Jaisi" for the entire Jośī community of the hills area under reference. However, if he is using the term as generic for all such Brahmins as practised marriage with a married woman or a widow of Brahman caste, he is right. Even in that case, he was expected to consult the then available published material on the Jośī caste of Kumaon. In fact, the Gorkhalis had promulgated area and caste specific rules relating to such marriages, as these were widely practised in Nepal in all sections of society, as is clear from the following account:

> Sexual relations with the widowed wives of elder brothers seem to have been a common practice among many communities in the hill regions of Nepal. It is interesting that even high-caste Upadhyaya Brahmans and Chhetris followed this practice. (Regmi 1972: 1)

Obviously, such a practice was not exclusive to any caste. If the offspring of Brahmins from such practices were called "Jaisis", the term "Jaisi" is generic, it is not a caste. Admittedly, some of the Seḍhāī Jośīs, like Upādhyāya Brahmans, may have married widowed wives of elder brothers or married women, however, it does not follow that the entire community of Seḍhāī Jośīs of Uttarakhand origin in Nepal should be clubbed with the Jaisi caste.

It would suffice to add here that, in the pre-Gorkhali polities of Kumaon and Doti, the Jośīs enjoyed a pre-eminent position in political society. The word "Jaisi" does not occur in any document of Kumaon. Even in the *lālamohara* documents of the Gorkhali relating to Kumaon, the Jośīs are invariably styled as "Joīsi/Josī/Joiśi/Jyotirvid". Furthermore, in most of the letters issued by the Gorkhali Kings, the Jośīs of Kumaon are offered *praṇāma*. In a single case, King Raṇabahādura offers *salāma* to Gadādhara Jyotirvid, however, in another letter jointly addressed to Harṣadeva, Gadādhara, and Rāmanārāyaṇa, he styles the trio as *dvijakula tilaka* (ornaments in the lineages of the Brahmins) and offers them *premāliṅgana* (affectionate hug); obviously a Jaisi as defined by Acharya cannot be addressed as *dvijakula tilaka* by the Gorkhali King. *Lālamohara* documents also reveal that Harṣadeva Jośī was offered both *praṇāma* and *premāliṅgana* by King Raṇabahādura (Joshi/Shah/Joshi 2017). Interestingly, Śivarāma Jośī was the son-in-law of Harṣadeva Jośī. Considering the then prevailing socio-political conditions and orthodox behaviour of Kumaoni Brahmins, it is

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inconceivable that a Kumaoni Brahmin of Harṣadeva's stature would have married his daughter to a Jaisi. Furthermore, due to the prestige attached to the Jośī caste, the Regmīs of Nepal settled in Kumaon also styled themselves as Jośī, to wit, the family of the late Munish Chandra Joshi, formerly Director General of the Archaeological Survey of India. His illustrious father, the late Pundit Ram Datt Joshi, was a renowned Sanskrit scholar and astrologer who initiated an ephemeris, which is still running in its 111th year (*Śrī Gaṇeśa Mārtaṇḍa Saura-pakṣīya Pañcāṅga* 2016–2017: 2, 4), and it is considered to be the only standard Kumaoni Pañcāṅga.[10]

It has been noted above that when King Pṛithvīnārāyaṇa Śāha transferred his capital to Kathmandu, he was accompanied by Dāmodara, a Seḍhāī Jośī. Dāmodara seems to have commanded sufficient influence as an astrologer on the royal family so as to invite jealousy of fellow Brahmins. It is likely that at an opportune time when Dāmodara failed to deliver as an astrologer, his rivals planted the story of low descent of the Jaisi Brahmins and clubbed his family with the Jaisis. It is an interesting example of "Othering" in a large scale. We reserve it for a future study.

Whalley (1870: 37) notes in this context: "After the British occupation of Kumaon, the officers who were known by the name duftrees under the Goorkha Government were styled canoongoes." He cites two documents relating to the office of "Canoongoes of Kumaon", namely, "Appendix K.O." and "Appendix K.P." The first one issued in VS 1869 (1812 CE) was "enclosed in a report of Mr. Traill" (ibid.: 38). It reads:

> Whereas Kajee Umer Singh has favourably represented that the said duftrees [names not given] have been most zealous in the discharge of their duties, in conciliating the tenants, in collecting the rents, in recalling the cultivators who had fled to the plains, in restoring the cultivation and population of deserted villages, in preparing and keeping up the revenue accounts and records, and in obedience to orders, we accordingly authorize them to collect the dustoor duftree from the lands included in the assignments to the three battalions and three captains, according to the receipts, and in excess of the jumma of the said lands…

10 We have already given a brief introductory note on the Seṇū Jośīs. For more information about Seṇū Joshis/Jośīs, see Atkinson 1886: 423–424, Pāṇḍe 1937: 564–568, J. Jośī 2010: Bhūmikā, M.M. Joshi 2014.

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Whalley comments:

> The question of the resumption and settlement of canoongoe lands occupies a considerable portion of the correspondence of 1819. *From that time they became paid servants of Government.* (ibid.: 38, our italics)

Obviously, contrasted to contractual assignment, a salaried office not only provided service security to its holder but it also gave him legitimacy to negotiate power relations, thus elevating his socio-political status. This accounts for a memorandum "on cannongoes or duftrees" (Appendix K.P.) found in the Commissioner's office. It is "of old but uncertain date and authorship" (ibid.: 38). It reads:

> Office hereditary in particular families; there are four in Gurhwal, and five in Kumaon. Under the former Government they were called duftrees.
> The office of duftree is considered hereditary so far that the succession remains in one family; but the several Governments have always exercised their discretion of selecting the most capable member of the family without reference to claims of birth or seniority.
> The Dwarahat Chowdrees furnish two canoongoes—one for Palee and one for Baramundal; the Duneea Josees furnish two canoongoes—one for Shore, &c, and one for Chowgurkha, &c; the Jhijar Josees furnish one canoongoe, for Kalee Kumaon, &c. In Gurhwal the canoongoes are all of Khundooree family… (ibid.: 38)

Atkinson, despite his in-depth study of archives and local traditions, echoes Whalley's observation:

> On the British occupation, the office of kanungo in Kumaon was found divided amongst two families, one of Chaudhris and one of Joshis… Practically, however, the Dwarahat Chaudhris furnished kanungos for Pali and Barahmandal; the Dhaniya Joshis, one for Shor and one for Chaugarkha, and the Jijhar Joshis, one for Kali Kumaon; and all acted generally as collectors of the land-revenue, writers and record keepers. (Atkinson 1886: 505–506)

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Thus, it is clear that the early British account of the administrative history of Uttarakhand rests on oral statements of those political elites who were instrumental in preparing "Appendix K.P.", cited above. Obviously, these elites manufactured facts to benefit from the British rule, and in the process the Seṇū Jośis of Galli were relegated to the position of non-entity. Thus, despite serving two successive dynasties as Chief Record Keepers, the Seṇū Jośīs of Galli do not figure as the hereditary holders of the office of *daphatarī* in the British records. Apparently, they seem to have been deliberately ignored by the British on account of their loyalty to the Gorkhalis. It is to be noted here that Śivarāma Jośī, despite being the son-in-law of Harṣadeva Jośī of Jhijhāḍa, remained loyal to the Gorkhalis, and was always on the move to escape the British. It proves his integrity, and may account for the subsequent revision of the British policy towards him by recruiting his eldest son to the office of "peshkar", as we learn from Batten's incidental mention of "peshkar of the *Huzoor Tehseel, Kishna Nund, Joshee of Gullee*" (Batten 1851: 170). However, as we have noted above, despite genuine claims, in the British records the Galli Jośīs do not figure as the hereditary holders of the office of *daphatarī*. Interestingly, probably owing to their experience, soon the Galli Jośīs were also recruited to the British offices, and the British do acknowledge that their ancestors kept revenue records of the Candra dynasty (ibid.: 166, 170).

Conclusion

The Gorkhali administration in Uttarakhand is believed to have been notorious for anarchy and atrocities.[11] However, the official documents of the Gorkhalis clearly show that the Kathmandu Government was always keen to address the problems of the masses (see Paṅgenī 2014). The fact that unruly high functionaries of the Gorkhalis were frequently transferred or dismissed from services by the kings (see Regmi 1999: ch. 3) speaks for the royal inclination towards an efficient and well-intentioned administration. The appointment of Śivarāma Jośī may be taken in the same vein.

There are many families in Uttarakhand whose ancestors have served the Gorkhalis, and some of them possess Gorkhali documents. The only scholar known to the present authors is Yogī Naraharināṭha,

11 See for a detailed account, Ḍabarāla VS 2056.

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who collected information about these documents in the 1950s and published them subsequently (see, for example, Naraharināṭha VS 2022). It is sad that nothing has been done since then, although reports appear sporadically about the presence of such documents in private collections. If the documents studied in this essay are any index, a thorough search of the Gorkhali documents in Uttarakhand needs to be undertaken, as only then we can present a faithful account of Uttarakhand under Gorkhali rule. We are of the firm view that the Gorkhali documents need to be published with careful translations as they give us an insight into understanding the limitations of an ambitious Himalayan polity striving to expand its territories and to delivering an efficient system of governance, albeit unproductively. It would be reasonable to add here that being the hereditary revenue collectors, the Galli Jośīs were well versed in the settlement pattern and revenue collection thereof. Since the primary concern of the early British was revenue collection, they were obliged to seek the services of Kṛṣṇānanda, the eldest son of Śivarāma Jośī.

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Appendix

Document 1: Letter of Kājī Gajakesara Pāṁḍe (Plate 1)[12]

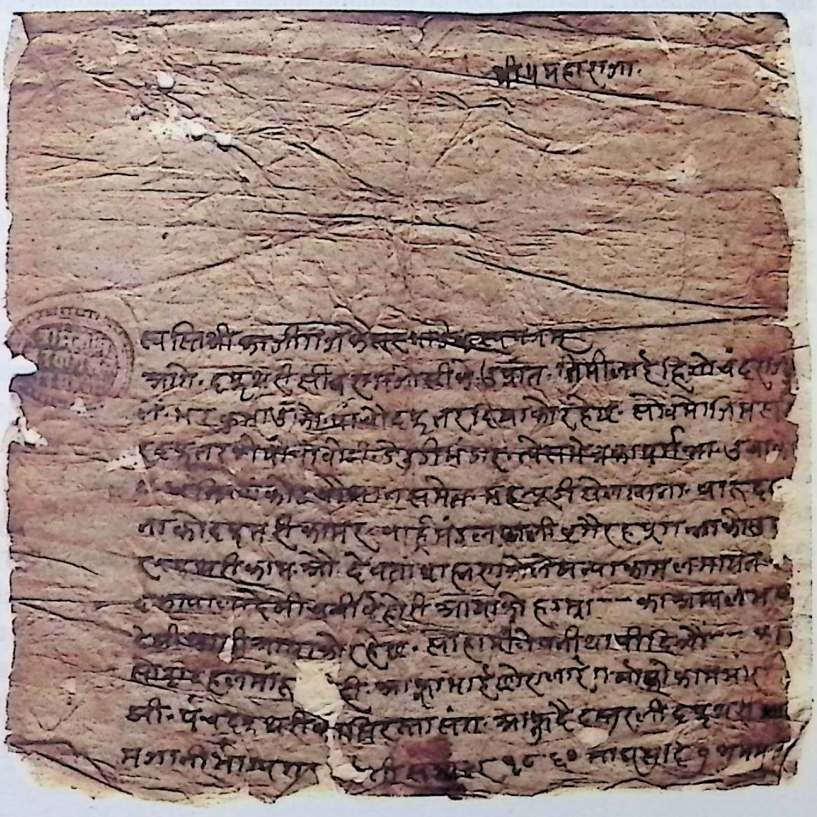

Plate 1: Letter of Kājī Gajakesara Pāṁḍe, VS 1860 (1803 CE).

12 The first author [MPJ] alone is responsible for the transliteration and translation of the text of these documents and hence also for lapses. While translating these documents, literal meanings of the original words have been adopted to the best of the translator's knowledge. Both documents stem from the archive of Śivarāma Jośī. Their originals are currently held by Dr. Madan Mohan Joshi, Uttarakhand Open University, Haldwani (District Nainital), Uttarakhand, India.

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Text:

Śrī 5 Mahārājā[•][13]

1 *Svasti Śrī Kājī Gajakesarapāṃḍekasya patram*
āge | Daphatharī Sīvarāma Josī ke uprāṃta timīlāī hijo Caṃdarāja[-]
le bhara Kumāuṃko Pāṃcau Daphatara diyāko rahecha | so
bamojima sa[*da*-]
ra daphatarako pāṃcau vo(ś)*ī | ḍeuḍī bhaṃḍāra | tyesa bhetrakā*
parganā Ucāko[-]
5 *ṭa Dhaniñāṃkoṭa Cauthāna sameta Maharyūḍī Selaṣānā Bārūda*[*ṣā*-]
nāko daphatarī kāma ra Bārhramaṃḍala Pālī vagairaha pragannāko
sa[*da*-]
ra daphatharī kāma au devatā brāhmaṇako leṣanyā kāma lagāyata
[*Caṃ*]-
dakā pālādeṣī carcī vehorī āyāko hāmrā - - [•*Śrī 5 Mahārājā*]*kā*
ammala bhay[*ā*-]
deṣī thā[*p*]*ī āyāko rahecha | so hāmīle panī thāpīdiñau - -* [•*Śrī 5*
Mahārājā]*kā*
10 *sojhā ṭahalamāṃ rū*[*ja ra*]*hī āphnā bhāī chorālāī garṣāko kāmamā rā*[-]
ṣī paṃca daphatharī[*ko*] *sirastāsaṃga āphnu daidastura lī daphatharī*
kā[-]
ma jānī bhogya gara [|] (*ī*)*tī samvat 1860 Māgha sudi 7 śubham* [|]

13 • = *Śrī 5*, i.e., worthy of honorific title *Śrī* five times, symbolically represented by two dashes in the text below, as contrasted to usual *Śrī 1* (single one) used for Sudhākarnasiṃ Bogaṭī in the next document.

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Translation:

Hail. Letter of *Śrī* Kājī Gajakesara Pāṁḍe. Further. After [conveying formal greetings to] Daphatharī Sīvarāma Josī, [we acknowledge that in] yesteryears you were given [all the] five offices (*daphatharas*) of all Kumaon by the Candra King/kingdom. In accordance with it are included office of the Headquarter's five *vo(ś)īs*[14] [as well as] *ḍeuḍī bhaṃḍāra*,[15] and [falling] within [the jurisdiction of] those [offices], work [concerning] *parganas*, [namely,] Ucākoṭa, Dhaniñāṁkoṭa, [and] Cauthāna, along with assignment of the office of Maharyūḍī, Selakhānā, [and] Bārūdakkhānā. [Furthermore,] assignment of the office of the Headquarter(s) of Bārhamaṃḍala, Pālī, etc. *parganās*. In addition, observing the side of Candra [King when you were engaged] to writing [records relating to] deities and the Brāhmins, [and in connection to this] to discussing customs [including written documents] coming [in similar situations, and] observing our • [Majesty *Śrī 5 Mahārājā*'s] court bringing [rulings in such cases to give effect to] upholding [the assignment with the same person]. [Therefore, be it known that] we have also upheld the same. [You should be] honest in the service of • [*Śrī 5 Mahārājā*, and therefore employ] your brothers [and] sons by placing [them] in works [concerning] *garkhā* [matters]. Acquainting [yourself with] the work of *daphatharī* enjoy the customary dues applied to the usage of [the office of] *Paṃca Daphatarī*. Thus, [be it] auspicious. [This letter was issued on] the 7th day [of the] bright half [of the month of] Māgha [in] Saṃvat 1860.

14 *Vo(ś)ī* or *vo(ṭ)ī*, meaning not clear, may refer to Pāṃca Daphatara (Five offices). It is hard to differentiate letter *v* from *b*, usually in these documents *b* and *v* are not distinguished at all, almost all are written as *v*. Letter *ṣ* is invariably used for letter *kh*.

15 *Ḍeuḍī*, if derived from *deu* (Kumaoni *ḍyoḍī* = Lord's/royal, and Dotyali *ḍeuḍi* = drawing room attached to a house) means royal storehouse, if that from *deva*, deity's storehouse. In case of the latter it should be read with "to writing [records relating to] deities and the Brāhmins" occurring later.

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Document 2: Letter of Sudhākarnasiṃ Bogaṭī (Plate 2)[16]

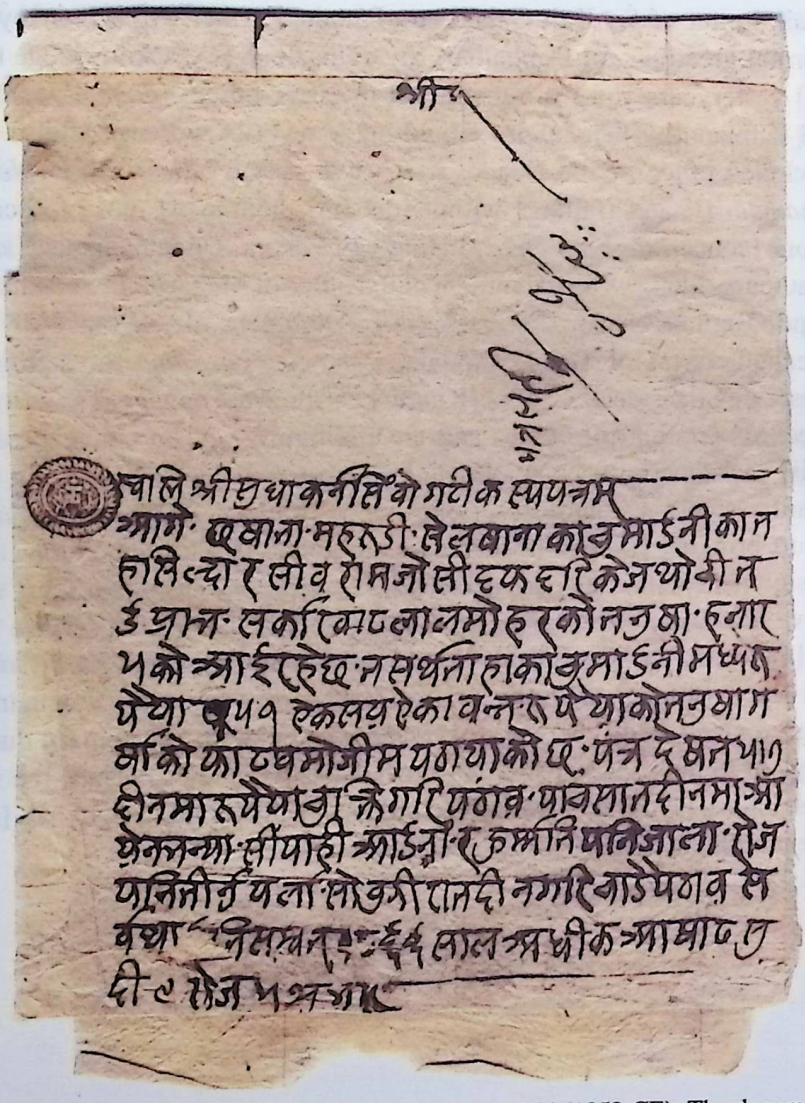

Plate 2: Letter of Sudhākarnasiṃ Bogaṭī, Saṃvat 1866 (1859 CE). The document seems to have been authenticated by some official (?).

16 It is interesting to note that the letter of Sudhākarnasiṃ Bogaṭī has been authenticated by some official with the remark—put vertically turning the document 90° clockwise—*patra sahī* ("letter correct", i.e., authenticated) and his initials (do not look like Devanāgarī letters) below *Śrī 1* on the top. It is also likely that the document is a true copy of the original letter, in that case the seal-impression on the top left appears to belong to the same official who authenticated it. Identifications of the seal-impression and initials of the official who authenticated the document will undoubtedly add to its importance considerably. We reserve it for a future study.

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Text:

Śrī 1
patra sahī

Svasti Śrī Sudhākarnasiṃ Bogaṭīkasya patram --
āge | Chaṣātā Maharūḍī Selaṣānākā cumāūnīkā ta-
hasildāra Sīvarāma Josī daphadarike jathocīta
ūprānta | sarkāravāṭa lālamoharako tanuṣā hajāra
5 ko āīrahecha | tasartha tāhākā cumāūnī madhye rū-
paiyā 151 aika saya aikāvanna rūpaiyāko tanuṣā ga-
rṣāko phāṭa bamojīma paṭhāyāko cha | patra dekhata 5/7
dīnamā rūpaiyā cukti gari paṭhāva | pāca sāta dīnamā ā-
yena bhanyā sīpāhī āūnāṃ ra hurmmati pani jālā | roja
10 pani bhīrnu parlā | so bujhī rāta dīna gari cāḍai paṭhāva | sa-
rvathā [ī]ti samvat 1866 sāla adhīka Āṣāḍha su
dī 9 roja 5 śubham

Translation:

Hail. Letter of *Śrī* Sudhākarnasiṃ Bogaṭī.
Hereafter, [conveying] due [greetings] to Sīvarāma Josī, the *tahasildāra* of Chakhāta, Maharūḍī, [and] Selkhānā [and] of *cumāūnī*.[17] [Be it known that] the *tanuṣā*[18] of *lālamohara* [amounting to] 5 thousand Rupees has come from the Government. For that matter, in accordance with the *phāṭa* (contribution/share) of *garṣā*,[19] emoluments [amounting to] Rupees one hundred and fifty-one [from] the account of *cumāūnī* have to be sent. [As soon as you] see [this] letter, pay the Rupees within 5/7 days [and] send [the amount]. If [the amount] does not arrive within five[/]seven days, sepoys will come [to collect it], and [your] honour will also go. [You] will also [have to] fill daily [fine]. Understand [the gravity of situation, and toiling] night [and] day, send [the amount] by all means immediately. Thus, [be it] auspicious. [This letter was issued on] the 9th day [of the] bright half [of the] intercalated [month falling on] 5th day [of the month of] Āṣāḍha [in] Saṃvat 1866.

17 *Cumāūnī*, customary dues on the occasion of royal sacred-thread-investiture ceremony.
18 *Tanuṣā*, emoluments meant for the official(s) authorized to use the Royal seal, in this case, presumably, Sudhākarnasiṃ Bogaṭī.
19 *Garṣā*, an administrative unit.

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The Silent History of the Tharu Farmers: Peasant Mobility and Jungle Frontiers in the Light of Written Archives

Gisèle Krauskopff

Introduction

At the end of the 19th century, in one of the first articles on the Tharu, J.C. Nesfield wrote:

> They are still mainly in the migratory stage, cultivating the land on which they have settled their homes temporarily until it gives signs of exhaustion before moving for clearing new land. (Nesfield 1885: 3)

From early British reports to later ones, such an evolutionary statement was regularly repeated. This paper aims to show how the use of archives related to the agricultural and agrarian situation during the 19th century and earlier offers a better understanding of the so-called shifting or migratory agricultural practices of the people farming the Terai plain. It raises questions on the nature of the farmers' mobility and highlights their impermanent link to the land they till. Taking into account the relation between mobile subjects and sovereigns along a frontier land, helps to fight colonial or ethnographic stereotypes and ethnic essentialism as well by denaturalizing the way of life of this so-called "jungle tribe".[1]

1 Tharu is an ethnic label applied to different communities, from the lowland of Kumaon Garhwal in India to the Eastern districts of the Nepalese Terai, living on both side of the Indo-Nepal border, but mainly in Nepal. Other ethnic labels are used for similar groups from the Eastern Nepal border to the Assam plains.

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Let us first outline the setting in which the silent history I try to reconstruct played out: a ribbon of lowlands running between the Himalayas and the Ganges Valley which has been described as a wild frontier and is now overpopulated and overexploited. The Terai plain was a land between two worlds: the Middle Ganges Valley, cradle of early Indian monarchies, and the Central Himalayas, where Indianized kingdoms gradually developed after the Ganges valley became a Muslim stronghold. It was also a land of passage, crisscrossed by migrants, merchants, pilgrims, cattle herders, brigands or conquering powers. By the end of the 18th century, when the British colonial power imposed its rule, it became an unsettled border and a shield for the young Nepalese state in the making after the Shah dynasty had seized the "little kingdoms" established in the Central Himalayas since the 14th and 15th centuries. During this period, different idioms of proprietary rights over the land and different kinds of relationships between the farmers and the agrarian authorities competed.

However, some colonial myths die hard. Early travellers have depicted the impenetrable and unhealthy malarial forests of the Terai as if it were a no man's land. It would take too much space to quote here these echoes of the past and to analyze the conditions in which they were produced, but they forged an image of primeval savagery, of a Kipling-like 'jungle'.[2] This landscape imagery has been transferred on to the people farming the Terai—when their existence was taken into account—leading to preconceived ideas on the way of life of the communities such as the Tharu. They were living peacefully in their forests, practicing a rude form of shifting agriculture, hunting and gathering, as if the Terai forests and lands were free of state control and its dwellers had lived in natural isolation since time immemorial.

Contrary to common belief, this Kipling-like 'jungle' has been cultivated for a very long time indeed, from the time of the first developments of Buddhism and later.[3] Kings who settled in the central Himalayas from the 14th century on had a vital need of these plains, whose products were coveted by competing rulers from the plains and the Himalayas. The Terai was not only good for rice growing but for other

2 See, for instance, S. Lévi on "les énigmatiques Tharu" and the jungle (1905: 308), influenced by his reading of the travelogues of the Jesuit and Capuchin fathers. I doubt that he met Tharus on the path that he followed.

3 Important agrarian organizations were in existence in Terai before the Muslim seizure of Northern India, for instance Simraon Garh in modern-day Bara district, or the place where Buddha was born (the inscription mentioning Ashoka's visit is a land grant).

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treasures such as wood reserve—"the great forest", as it is referred to in early documents[4]—, wastelands and savannas where precious elephants (status symbols and bargaining chips between kings) were captured, and as grazing grounds for cattle herders. Hill herders moved up the hills and down to the plain, for grazing or selling cattle in fairs, or during pilgrimage.[5] Cattle herders were then as much valued as farmers by the kings, who raised taxes during lowland fairs and markets.[6]

Unstable Centres and Peripheries: Mobile Farmers and States

With other lowland peasants, the Tharu have farmed the Terai land for a long time, before the eradication of malaria in the middle of the 20th century, which transformed this plain in an overexploited multi-ethnic area. They are therefore considered "indigenous" to the place. From 1981 to 1992, I studied the Tharu, specifically the Tharu living in the inner Terai valley of Dang in Western Nepal (Dangaura Tharu). During this ethnographic period, I soon realized that their social organization was linked to the realm of Dang as an agrarian entity, collecting land rents and promoting land cultivation through local headmen (see Krauskopff 1989). I therefore took an interest in the history of the Dang kingdom. I should say kingdoms, since power centers regularly shifted, split or competed, as illustrated by the many fortresses all around the Dang valley and traces of older mud and brick structures in the valley itself and elsewhere in the Terai.[7] During the 18th and 19th centuries, agriculturists often had to pay double rents to conflicting powers, a situation accentuated by border conflicts during the imposition of British imperial power in Northern India at the very beginning of the 19th century (see Benett 1878: 28 and Nevill 1921: 258–262). Besides, kings used to move between the hills in summer and

4 *Sal* (*Shorea robusta* C.F. Gaertn.) forest, for instance "the great forest" of Makwanpur mentioned in travels from Patna to Nepal, such as in Desideri's journey in 1722 (see Lévi 1905: 121).

5 The hill/lowland connections, illustrated in myths or stories, have not been taken into account enough by ethnological studies in the Himalayas, in spite of the pioneering Edmund Leach's (1954) study.

6 Hence Butwal, winter residence of the Palpa Sen king until his assassination in 1806, was a very important marketplace where produce from the North and the South was exchanged (IOLR, BC, F/4/185 [1805–1806], 3880 [letter of 14/12/1802]).

7 See Krauskopff (1990) for an overview of the 'kingdoms' of Dang.

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the lowlands in winter. Shifting powers on the one hand, and mobile subjects on the other, defy the idea of well-defined territorial realms. Before the 20th century in the Terai, we must bear in mind a landscape of semi-permanent agricultural settlements, and impermanent ones on the margins, with mobile farmers to till them and large cattle herds.

During the 1990s and 2000s, after my ethnographic study of the Tharu in the Dang valley, I focused on archives in order to better understand the formation of Tharu settled society and the web of powers in which farmers, priests and local headmen were enmeshed. One who works on the Terai benefits from the British colonial sources—for the 19th-century published gazetteers, census, reports etc.—but also unpublished archives, quite rich for the period prior to the Anglo-Nepal war in 1814. I also used non-colonial documents issued by the 'kings' of Nepal and locally collected written documents, which offer another perspective and exemplify different concepts of polities and proprietary rights.[8] In 1998, I had the opportunity to meet a Tharu leader of Eastern Terai, Tej Narayan Panjiyar, who was eager to publish in English documents collected from the local Tharu families.[9] It was a fascinating collection, not only interesting as a collection itself and for the motives behind its existence and the search for publication, but as documents coming from 'below'. They allow us to identify the recipient, the line of Tharu or the area concerned, and therefore their interpretation may differ from the reading of the same documents in the National Archives. Moreover, the oldest dates from 1726, and refers to an earlier period, when the Sen kings were still a paramount power, before the rise of the Gorkha Shah State in the Central Himalayas. The Sen then 'controlled' the Terai land from Butwal to the East[10] and they maintained a close relationship with the farmers and their chiefs, as will be illustrated. The fall of the Sen kings deeply changed the local situation.

Many documents in the Panjiyar collection highlight a recurring process of mobile cultivation as a strategy used by the Tharu (and in fact other agriculturalists) to benefit from the best possible share of

8 Mainly from the *Regmi Research Collection* and, concerning Dang, from Yogi Naraharināth's collection which contains documents collected in Dang or among the Tharu.

9 See Krauskopff/Deuel Meyer (2000), Shrestha et al. (2001). Most have been already published in local booklets by the elite of Eastern Terai (see also Pājiyār 1993).

10 Divisions occurred between lines of descent, but the main one was between the Palpa Sen, the strongest power, and the Makwani Sen, as they are called in the documents.

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their labor and to escape tax payments and harassment.[11] In the Dang valley, during my field research, a significant comment was applied by some elders to a peculiar tenure system (*potet*), which was still in existence in the 1950s before the land reform: "To eat the whole crop" describes a form of usufruct in which the farmer pays the tax and keeps the crop. I should add that farmers manage to avoid the payment of any tax, enjoying the full product of their labor.[12] Ethnographic data put into perspective with a "contextualized past", raise questions on the Tharus relation to the land they till. In the documents, the farmers' mobility is acknowledged during unstable or crisis periods involving the state and competing power centers—it is why we have records of it—but it also occurred on a more day-to-day basis.

The Panjiyar documents also highlight the role of local leaders as mediators between kings and farmers and the transformation of their status from the Sen to the Shah, and through the 19th century, when British colonial power imposed its rule in Northern India and the Rana autocracy in Nepal. In an article published in French (Krauskopff 2006), I have used these archives and colonial ones to put into historical perspective the contemporary actions of the Tharu regarding rights to land, autochthony, landlessness, and so-called bonded laborers or *kamāiyā*,[13] with the modalities used in earlier periods: flight as a strategy of resistance to avoid direct confrontation, flight as a bargaining chip with the agrarian authorities to preserve full control of the land's produce.[14] Here I return to the topic of farmers' mobility, not only as a subsistence and resistance strategy, but as part of the construction,

11 The Panjiyar collection was built up in a period of ethnic activism and therefore centred on the Tharu. But other groups were involved in the farming of Terai, for instance in Eastern Terai, mobile communities such as the Musahar (see Archer Papers Mss Eur/F 236 [3-4-5-6] on the migration and rebellion of Musahar). Besides, such land ownership documents abound for Eastern Terai, but are more or less absent in Western Terai.

12 *Pot* means tax. It was described as the best tenancy system, not as a proprietary permanent right. See Krauskopff (1989 and 2006: 162–163). Stories of tax avoidance were told, such as pretending that the rats ate the crop, or of course taking flight.

13 *Kamāiyā* is translated by "bonded laborers", but the term simply means "laborer". It was applied to a kind of land laborer, the majority when the Terai land was abundant, who refused to be permanently engaged in any form of share cropping (Krauskopff 2006: 162f.). The same kind of land laborer is attested in Chitwan where they are called *baharyā* ("outsider"). See Guneratne (1996), who stresses a form of "voluntary landlessness".

14 Following Scott on "everyday form of resistance" (1986) and Adas on "avoidance protest" (1981, 1986). See also Scott 2009.

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organization and functioning of precolonial polities, exemplifying a different conception of the relationship to land and territory.[15]

The priority given to ecological or natural constraints added to jungle fantasies rests on the idea that the Terai was a virgin primeval forest. The historical evidence, well before the eradication of malaria in the 1950s, draw a much more complex and often less idyllic landscape: the migration, for economic or political reasons, often of entire villages, testifies to the mobility of peasants, and how this mobility was an excellent bargaining chip between competing powers trying to extract revenue (on both sides of the border during the crucial 19th-century period in Nepalese history). It also explains why in the Terai, and probably in the Gangetic plain at an earlier period, the land was cultivated, but could also return very easily to forest or savanna.[16] Farming and the control of the crop rested on unstable social formations and a tension between centre and periphery.

Ambivalence of British Reports

To restrict the mobile farming practices of the Tharu (and other agriculturists in the Terai) to ecological constraints or natural causes obliterates the farmers' agency. My analysis is rooted in the contradictions between sources, and between older sources and ethnography. On the one hand, British first records of the Tharu way of life describe them as a kind of "jungle tribe" practising "a rude form of agriculture". On the other hand, administrative officers or political spies linked to the same administration left different accounts: for example, of the beautifully cultivated region of Butwal (Seoraj) in Nepal in 1802–1804, before the collapse of the Palpa Sen kingdom;[17] or, in 1814, when the British troops at war with the Nepalese state managed to revert cultivated land to wasteland, to stop the supply of the Gorkha army. This had a double

15 See C. Warner's (2014) recent Ph.D. thesis, dealing with "shifting states", farmer mobility and brigands.

16 Habib thus notes: "Forest and waste have retreated, recovered and again retreated, in endless cycle, before his (Indian peasant) hoe and plough. Every period of Indian history has had, therefore, its 'forest line' and desert frontier, besides its political and military boundaries. For the study of Indian history in any of its aspects, this boundary-line between man's domain and nature's is obviously of great importance" (Habib 1963: 9–10). The Terai is an exemplary "frontier" case that has only recently been researched by historians. See Michael (2012) and Warner (2014).

17 IORL, BC, F/4/185 (28/8/1804) (1804–1805).

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benefit, since they moved whole villages of 'Tharu'[18] from Butwal (under General John Wood) to clear land further south in Gorakhpur, in order to enrich the 'very Honourable East India Company'. Colonel Stoneham, in charge of the "Tharu Colony", depicts "an industrious class of people", and villages which "have a peculiarly favorable appearance".[19] The jungle Tharu are then qualified as "first-class peasants" as reflected, for instance, in Hunter's Northern Champaran's report:

> They are first rate cultivators, taking great pains from their lands and consequently have magnificent crops. Although their houses are only made of reeds and grass, their large herds and granaries show that they are well off. (Hunter 1877: 245)[20]

According to early sources, some districts of Terai produced the bulk of resources of the Nepal state (for instance Saptari district in Eastern Nepal) (Kirkpatrick 1811). Nevertheless, an evolutionary representation of the Tharu agricultural practices is still common talk today and primeval wilderness continues to operate as a postulate to define the way of life of the communities considered "indigenous" to the Terai before the eradication of malaria.

In the 19th century, British administrators never stop lamenting the migratory habits of the Tharu: "They are very timid and will decamp in to Nepal on the slightest provocation" (Hunter 1877: 246); "Most of them are still willing to abandon their land and migrate in Nepal" (Benett 1878: 105). "If they are overstretched, these simple, honest people easily change master" (Gibson 1894: 45). Or the surprising, if not tasteful mention: "It is common for a farmer, when asked to pay his

18 The use of the Tharu label is ambivalent: The report by Colonel Stoneham (*Report on the Tharu Colony of Butwal in District Gorakhpur*) mentions Tharu farmers and "Pindaree" chiefs among the migrants displaced by General John Wood (IOLR, BC, F/4/548; F/4/747; F/4/1227).

19 IORL, BC, F/4/548 (22/12/1819). Noticeably, some Tharu refused to pay tax or asked for three years' remission, then one more year, and finally some went back to Nepal in 1819, attracted by the Gorkhas' solicitation. They migrated in groups, under one leader (IORL, BC, F/4/548, Extract Bengal Revenues Consultations, to Carter, 27/9/1819).

20 Champaran (Northern Bihar) was closed to Nawalpur and Chitwan in Nepal. Noting the poverty in this district, Hunter added that the Tharu form a marked exception: "They cultivate with great care the Tarai lands in the North of Ramnagar ... and their prudence and foresight have raised them far above all other castes in Champaran. During the famine of 1874, not one of them came to the relief works, and they then assured that they had sufficient rice in store for six months' consumption" (Hunter 1877: 257). The Ramnagar area was under the suzerainty of Tanahon Sen Raja before the collapse of the Sen.

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rent, to cut harvest and disappear, leaving the owner without defence" (Batten 1851: 32). At an earlier date, 1828, G.W. Traill, administrator of the lowland of Naini Tal in Kumaon Garhwal, complained:

> Another reason for the vicissitudes of our jurisdiction is the wandering habits of Tharus and Bokshas, the two main tribes who chiefly cultivated in the Terai. These persons have the undisputed monopoly of a vast extent of territory, and being the object of rivalry between two governments, remove in whole communities from or to the foot of the Hills according as caprice or interest dictated. (quoted in Atkinson 1886: 53)

The new site takes the name of the ancient village and the same names are recorded, increasing the confusion of the British.[21] In 1844, the migratory habits of these peasants were such

> that for every deserted village, they maybe perhaps found a corresponding newly cultivated one, within the same area, and large space of waste may intervene. (Batten report, quoted ibid.: 600)

When one thinks of the work implied by rice cultivation, to imagine these hard-working peasants running away like rabbits in scrubland (as described by these authors) leaves one puzzled. Their will to escape state control, to resist oppression and tax payments, not only exemplifies the farmer's agency, but their non-attachment to the land as a territory. What is important is the control of the crop, as also illustrated in Dang by the value attached to the usufruct system, that is "to eat the whole crop". Documents issued by the agrarian authorities stress the conjectural context of migration, erasing the importance of mobile practices and different conceptions of attachment to the land and territory. The British could not understand the mobility of hill kings and their subjects: In the "little kingdoms" of the past, the king's control of his followers—of his subjects (and what they produce)—was more important than the territory. Hence, we can better understand why subjects or farmers could pay double tribute to different kings. Then, too, as we will see in the following cases, this is why farmers moved in groups, *following* a leader who himself could be faithful to a higher chief or king.

21 In the Dang valley, the Tharu name their house according to their previous settlement village (Krauskopff 2011).

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Border Conflicts and Farmers' Mobility

Two documents (*rukkā* or orders) of 1805 and 1807 addressed to several village chiefs, *mahatau, jimindār* and *caudhari,* and their tenants, illustrate how a beautifully cultivated land could easily be reversed to wasteland (plates 1 and 2). These orders at the very beginning of the 19th century concern the Nawalpur region of Nepal. Close to Gorakhpur, it was under the suzerainty of the Palpa Sen dynasty until 1806. However, the treaty signed between the British and Nepal in 1801, but without Palpa, shows his loss of influence, since the British dealt directly with 'Nepal' and its ruler, the Gorkha Shah, with regard to recurrent 'border' problems. Suzerainty over the northern part of Gorakhpur and Butwal was shifting between Palpa and Gulmi Himalayan kingdoms, Mughal Awadh, Nepal Shah and the British. The Palpa king had been arrested several times and was executed by Prime Minister Bhimsen Thapa in 1806. In 1805, Bhimsen Thapa was the new strong man at the central court of Nepal (he is the witness of the document). It was a very critical period, as illustrated by the abundance of British documents on the events preceding the Anglo-Nepal war of 1814–1816. The instability was enduring and farmers moved incessantly.

A British spy sent to Butwal in 1802 found the area remarkably cultivated, "much more than South Gorakhpur", which he compared to a "desert", and "as much as in the region of Benares despite the unhealthy climate".[22] He already noted, however, that many tenants were leaving because of oppression by the Gorkha Shah. According to the two Nepalese documents of 1805–1807, the appointment of a new magistrate (*amālī*) had induced the flight of 52 villages to "Muglan" in an area under British control in Gorakhpur (Krauskopff/Deuel Meyer 2000: 165–166): "A new tax collector (*amālī*) oppresses us. He has upset our customs (*thiti*)." The court of Girvan Yuddha Shah addressed them in the following terms:

> The country is depopulated ... You are our subjects ... You will not pay taxes contrary to past practices and if oppressed, you will see our *new representative* in Palpa ... *Stay loyal*, return to your lands.[23]

22 IOLR, BC F/4/185, p. 92–93.
23 This stress on loyalty seems to me very significant in the relation between subject (farmers or any other groups) and their king.

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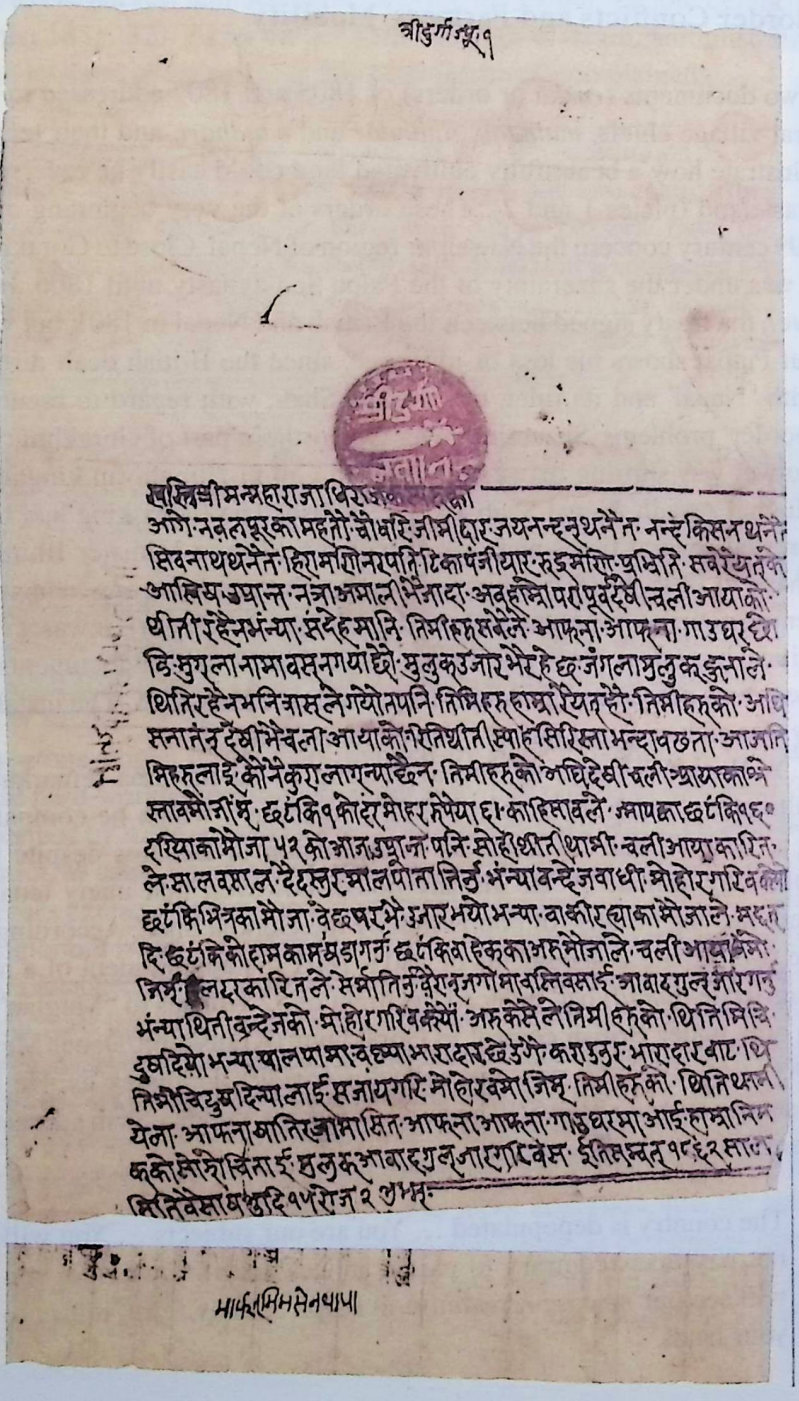

Plate 1: Order (*rukkā*) of King Girvan Yuddha Bikram Shah to officials and subjects of Nawalpur (Nepal) (1805). Source: Lokman Thanait, Danda, Nawalparasi district (Nepal). Reproduced in Krauskopff/Deuel Meyer 2000: Doc. 39, translation p. 164.

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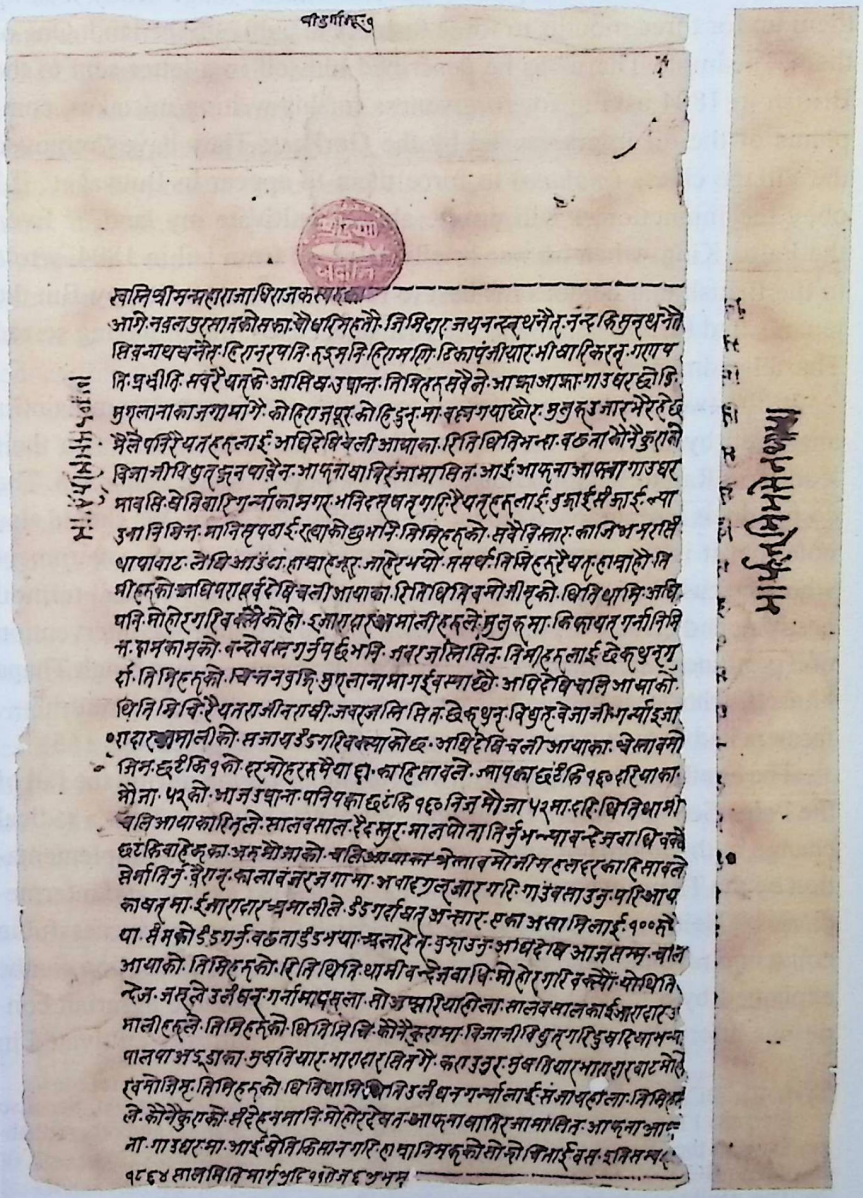

Plate 2: Order (*rukkā*) of King Girvan Yuddha Bikram Shah to officials and subjects of Nawalpur (Nepal) (1807). Source: Lokman Thanait, Danda, Nawalparasi district (Nepal). Reproduced in Krauskopff/Deuel Meyer 2000: Doc. 40, translation p. 165.

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According to British sources, in desperation the representative of the central power had also "captured" several Tharu village heads, locking them up for three months to force farmers to cultivate the land. One of them, "a simple Tharu" as he described himself in a letter sent to the British in 1804 asking for forgiveness for his writing mistakes, complains of the disorders caused by the Gorkhas: They have "removed the village chiefs (*mahato*) to force them to appear in Butwal ... if I obey the injunction, I will not be able to cultivate my land."[24] Even the Palpa King, when he was briefly released from jail in 1804, wrote to the British that he does his best to render the tenants happy. But the tenants fled further south and the British accused him of having seized Tharu headmen.[25]

In the two documents referred to above, the farmers' complaint is answered by the king. Nawalpur villagers had already left with their leaders to Rajpur in Gorakhpur, which 'belonged' to the Palpa Sen. The complaint is inseparable from the act of collective flight. We should also note that it is the new local representative of the central government who is accused of "upsetting the past uses".[26] But the political turmoil is strong and lasting.[27] Two years later, in 1807, despite the intervention of a prominent member of the Nepal Government—Amar Singh Thapa himself, who "sent people to Muglan to convince (them) to return"—, farmers had not yet returned (Krauskopff/Deuel Meyer 2000: 165).

The conflict affecting the Butwal/Nawalpur region during the fall of the Palpa Sen and before the Anglo-Nepal war brings to light a radical change in the idioms of authority, a change caused by the implementation by the Thapa central government of a new tax system and intermediaries.[28] Neither the Gorkhas nor the British then seemed successful in collecting revenues and maintaining cultivation. The disruption can be explained by a radical change from the more favorable agrarian conditions offered by the Sen. The area was still beautifully cultivated in

24 IORL, BC, F/4/185, 3880 (1804–1806), letter dated July 1804, p. 98f. See also F/4/548 (13344), Arju from Merwang Mahato, Toonje Mahato and other inhabitants of the Gorkha territories (p. 27).

25 IORL, BC, F/4/185, 3880 (1802–1804).

26 This configuration is reminiscent of Ramachandra Guha's (1999) "moral of contestation" as described for Kumaon Garhwal, when dissatisfied farmers would present their requests directly to the king, their target being the bad representative, never the king himself, whose authority was not questioned.

27 After the assassination of the Palpa king by Prime Minister Bhimsen Thapa in 1806, the king's family took refuge in their Tilpur land in Gorakhpur, "owned and cultivated by Tharu" (IORL, BC, F/4/185, 3880 [1804–1806]).

28 Bhimsen Thapa as the first 'Prime Minister' (*mukhtiyār*) of Nepal marks a change in the royal political system.

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1800–1802. Another change is the introduction of a new intermediary by the Gorkha Shah, or, in other words, the disappearance of a more personal relationship established between farmers and the Sen king, as will be illustrated by the next case.

The remarkable work of the historian of the Nepalese economy, Mahesh Chandra Regmi (1971), has highlighted the peasants' oppression, but the present documents also show that they had the means to resist: the balance of power was not always in favor of the same side. We have to keep in mind that, until the end of the 19th century, land was abundant in Terai and manpower scarce. The high value of the Tharu labour force is obvious: it could be used as a weapon. But we cannot reduce this flight to opportunism or caprice, as Traill noted, or to the 'spontaneous' effects of oppression without erasing the peasants and their leaders' will to escape state control. Moreover, in the Nawalpur case, headmen and peasants appear united in their flight, as in other testimonies. The documents highlight the role of local headmen and of farmers working with them or for them.

We can only speculate on the nature of their solidarity. The collective action is certainly linked to the heavy labor induced by deforestation and cultivation.[29] In any case, flight was a collective affair. Fifty-two villages moving is a considerable number. The farmers followed their leader like an army following its chief.[30] We have a contemporary echo of this in the collective organization uniting houses (under their head) and village chief (often *jimidār*) in the Dang Tharu social organization, which has only changed during the last twenty years.[31]

Let us go back in time to the first quarter of the 18th century to better understand the role of local leaders and the change in the idiom of authority from the Sen kings to the Shah and the Rana.

29 Even priests (*dhāmi, gurwā* etc.) fled, as attested by several documents, and were reinstalled to protect the people from tigers and wild elephants: they play a role in maintaining cultivation. For an example, see Deuel/Krauskopff 2000: 160.

30 Benett (1878: 48) makes an interesting remark in his settlement report on North Gonda (among the Dangaura Tharu of Tulsipur, where the king of Dang settled after the Shah conquest). All parties are related to the whole, "with the cultivator independent of each other but connected through the village heads, and the villages independent among themselves, but joined in allegiance to a common Raja … the basis of the whole society being the grain heap."

31 In the Dang valley in the 1980s, villages and houses were the main units of social organization. A village was called *maujā*, a term referring to an agrarian unit. Regional ritual organization under the main hereditary priests was linked to bigger agrarian and irrigation units. Even marriages or funerary rituals imply the whole village. See Krauskopff 1989, 2011.

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Kings and Local Chiefs: The Changing Status of Tharu Local Leaders

In 1726, King Mahipati Sen of Chaudandi and Vijayapur gave to Ranapal Chaudhari full authority over a village in *khālisā* (in modern-day Saptari in Eastern Terai). This brief "black seal" document (*syāhā mohar*)—this brevity should be noted—renews his earlier right *to levy all customary taxes*:

> … we give you the right to collect the customary taxes … as you did before. Settle there yourself and make the land populous. Serves us well and cultivate the Terai land. (plate 3)[32]

Saptari in Eastern Terai of Nepal was a well-cultivated area, contradicting the savage image of the Terai.[33] The Sen branch called "Makwani" ("from Makwanpur") controlled this area.[34] Ranapal is the first of a long line of Tharu 'landlords'. However, when the Shah took hold of Eastern Terai, a descendant of Ranapal, still respectfully called *Śrī* Hem Chaudhari, fled to "Muglan" to remain loyal to his king, a Sen ("having eaten the salt of the king"). Did he flee with his farmers? It is probable. In 1776, he was called back by the new Shah king and summoned by the representative of the central government (*subā*). He "knelt" before him and received the title of *jimidār* (tax collector) on his previous land with the following injunction: "… do your best to make the land as productive as possible" (Krauskopff/Deuel Meyer 2000: 118–119).

In this "red sealed" document (*lāl mohar*), he is still addressed with the most respectful title *Śrī bhārā sāmarth*, showing his high status, and he received tax-free land, *nānkār*, as compensation for his work. Like his ancestor Ranapal Chaudhari, he was a powerful local leader controlling land during the Sen period and at the beginning of the Shah

32 The language of this document and of most of the Sen documents is a 'mixture' of Bhojpuri and Maithili (close to the language spoken in this area by Tharu).

33 In 1792, according to data collected by Kirkpatrick (1811), Saptari provided 30% of Nepal's revenues.

34 Mahipati Sen ruled over Chaudandi and Viyayapur (modern-day Far Eastern Terai) at the beginning of the 18th century. Chaudandi and Vijayapur emerged as subdivisions of the Makwanpur kingdom. The area concerned by the document was part of Chaudandi and the document issued from a place in the plain in Udayapur (Chaudandi) during the king's visit. Mukunda Sen, the first historical figure of the Sen dynasty in Palpa in the 16th century, split his kingdom between his sons, Palpa, Tanahon, Makwanpur and Vijayapur, but Palpa and Makwani remained the two main lines.

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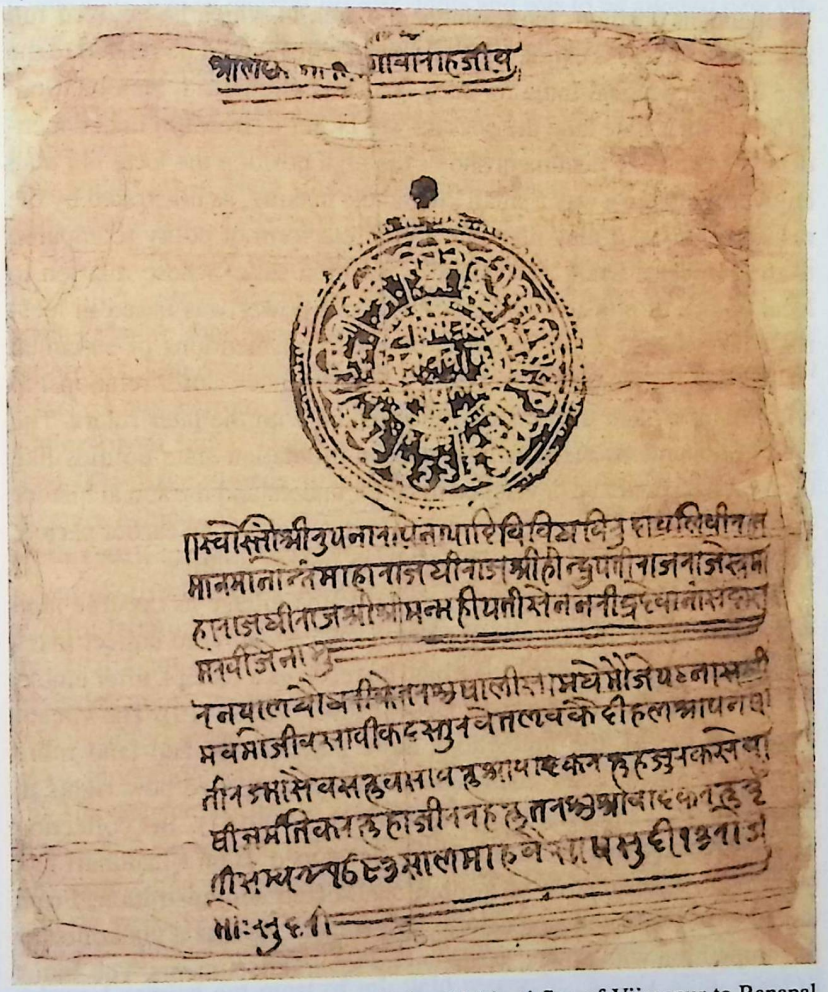

Plate 3: Black seal (*syāhā mohar*) of King Mahipati Sen of Vijayapur to Ranapal Chaudhari (1726). Source: Bijali Prasad Chaudhari, Baramajhya, Saptari district (Nepal). Reproduced in Krauskopff/Deuel Meyer 2000: Doc. 1, translation p. 115.

rule. He seems however to have enjoyed less autonomy under the Shah regime: his rights had been restrained and, contrary to the direct relationship he and his ancestor enjoyed with the Sen King, a go-between, the *subā,* is interfering.

The relationship established with the Sen was conceived and lived as a service relationship and this aspect endured in later Shah documents (hence in Girvan Yuddha Shah's order "serve us well"; see plate 1). The grant issued in 1726 by a Sen king is very brief and the vocabulary used suggests that Ranapal Chaudhari enjoyed quite an

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independent position. Interestingly, the area in which he enjoyed full rights to a village is called *khālisā*, a term which could be related to the one used in Mughal India for state land. According to I. Habib (1963: 275), on such state land the peasant was closer to freedom than dependency.[35] The 1726 document shows the high position the local big man enjoyed, being in a way a small king in the making, as illustrated by the respectful titles. It may illustrate a different form of polity (compared to the Nepalese Shah, as founder of a nation state) whose relation to local bodies of power was tighter or whose power was based in local roots, as suggested, for instance, by recurrent mentions of so-called "tribal" kings. Ranapal, in any case, enjoyed a much closer relationship with Mahipati Sen than his descendants did with the later rulers. The lack of documents restrains research on pre-nation state polities like the Sen, but should be developed to better understand the social history of Nepal and the relation between hill and lowland at an earlier period, a relation which plays a disturbing role in today's politics.

In 1778, Hem's right to his ancestral Patna village as tax-free land was reconfirmed and he was appointed (as *caudhari*) to collect taxes on other villages "in return for which he receives a receipt, after enjoying his own share" (Krauskopff/Deuel Meyer 2000: 119). The vocabulary is different, the injunctions more bureaucratic and land more precisely defined. Later documents renewed or opened new rights to other villages, cancelling some others (ibid.: 120–141). Tax collection was emphasized and cadastral survey developed. Hem Chaudhari had become a representative of a more centralized administration. From the perspective of the new central government, he was a tax collector in competition with others, as shown by several documents. The status of local chiefs has changed drastically.

Hence, in 1800, the representatives of the central government, the *subā* (a Brahman) and the *faujdār* (a Chettri) were non-resident magistrates. The son of Hem Chaudhari had lost his father's position. The implementation of *ijārā* contracts (offered to the best bidders with a fixed amount given to the government) differed from the previous *amānat* (taxes were transferred according to what was collected), a change that deeply disrupted the local situation. As a result, the villagers fled to Muglan and petitioned the king (see also Regmi 1982a, 1982b). The level of cultivation diminished. Hem's son, Madhuram

35 Pājiyār (1993) considers this donation a *birtā*, in which the king alienated his rights to the grantee.

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Chaudhari, was to recover his lost rights and was to be allotted new villages in order to clear the land (different from previous allotments), but the conflict remained. In 1803,[36] he was himself accused of oppression and many villagers fled. Documents show, however, his political skill at maintaining his rights through an association with a Brahman courtier. The ambitions of Hem Chaudhari's descendants were not confined to agricultural land, since they also maintained a timber office in 1834.

From 1835 and especially during the Rana period (late 19th century), the letters addressed to Tharu intermediaries in Saptari are nothing more than long lists of taxes or cadastral rights, constantly redefined. Later documents show a multiplication of new taxes, to which is added from 1835 onwards a very significant order: to bring settlers from India. The goal is clearly to maintain the Tharu on the land they have already tilled, that is, to restrain the mobility of the farmers, which, as we have seen, was an important bargaining chip. In this well-exploited region, the weapon of migration was used until about 1840, when the state instituted this radical measure, a systematic call for laborers from the British land. Let us add that these new immigrants did not become "Tharu", and they formed the numerous castes or endogamous groups that we encounter in Eastern Terai, a situation which differs from that in Western Terai, where affiliation remained more fluid and open (Krauskopff 2011).

The decisive change in the Terai was the disappearance of free land, reduced to a trickle in the 20th century. The process was already virtually completed in some areas, well before the eradication of malaria and the massive installation of hill dwellers in the Terai in the 1960s. "Free land" was termed "empty" by the Tharu of the Dang Valley, where I carried out most of my field research: "Empty land" made it possible "to eat the whole crop" and emphasize the right to the entire produce of farming labor, not a proprietary right as defined by cadastral operations, in which—as is well known—the Tharu were the losers. Noticeably, in the Dang valley, the disrupting effects of the 1960s land reform[37] and permanent settlement of hill people brought about the migration of *entire villages* over long distances, from Dang to the Bardiya district in Far Western Terai. Villages 'voted with their feet',

36 This is the same critical period of the turmoil in Butwal.

37 The registration of proprietary rights and tenancy rent resulting from this reform benefited migrants from the mountains. Together with other wrongdoings, it caused the disappearance of the most advantageous tenurial system for the Tharus such as the *potet*.

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leaving behind them empty earthen granaries and elements of their house structures.[38]

Cadastral operations reinforced the new proprietary rights. Land was surveyed and frontiers fixed. In this regard, maps are interesting archival documents: they produce and materialize new concepts of territory and rights to territory. In 1992, the last king of Dang/Salyan showed me a map of his previous kingdom, the Rājyā of Phalabang/Salyan.[39] Drawn in 1903, this map shows the king's properties (*rājyā*) with well-defined limits (plate 4).[40]

Long before the eradication of malaria, the territory had already been surveyed and mapped. The king appears as a large landowner whose possessions have holes like a Swiss cheese: independent properties such as *birtā* (in yellow) belonging to Brahmans and *guṭhī* (in black) belonging to the Nath Yogi, whose massive presence characterizes the agrarian situation in the Dang valley.[41] Few patches of forests (illustrated by small trees) remain, mainly at the foot of the hills, close to the Siwalikh range.[42] Even if the Tharu cultivate these lands (largely under *potet* or nonregistered rights), and if very large Tharu landlords or entrepreneurs manage royal *rājyā* lands, they are sort of 'invisible'. In this map, invisibility is true to life and the erasing of the Tharu rights unveiled. The change in the territorial concept, in the relations of the farmers to the land, and between the earlier king and his subjects was accomplished.

In 1818, when the four districts of Western Nepalese Terai were 'given' to the British after the Anglo-Nepal war, Lieutenant Grant

38 30% of the Dang Tharu population migrated to Buran, a place downstream on the river Babai, in Bardiya (see Krauskopff 2006).

39 He lost his rights in 1961 with the abolition of the last *rājā* and *rājauta*. Phalabang was situated in the hill (in Salyan district), a day's walk above Western Dang Valley. The king had a double residence, in Phalabang and Tulsipur-Dang. After Dang was defeated by the Shah in 1786, the king of Dang fled to Balrampur in Northern Gonda district, where he became a very important and wealthy landlord in Tulsipur-Gonda. His possessions in Dang were given as dowry to the king of Salyan, who married the daughter of Prithvi Narayan Shah.

40 The land was called *rājyā* and it seems that the Tharu *caudhari* enjoyed specific rights. I did my ethnographic study of the Tharu in a village belonging to the Phalabang *rājyā* where agrarian conditions seem to differ from the central Dang (see McDonaugh 1997).

41 Both *birtā* and *guṭhī* grants alienate the kings' rights to the recipient.

42 Dang and Deokhuri were already beautifully developed. Grant, who visited the southern part of Deokhuri reports: "That portion of the valley which adjoins to the pergunah of Tulsipur contains a considerable number of villages constructed principally on the bank of the Rapti", except in an area further north (where he could not enter), whence many villagers had fled to Tulsipur with their king after the Shah conquest (see Maps and Report on Map X/1532/1533).

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Plate 4: Map of the Rājyā of Phalabang in 1903 (eastern part of Dang valley). By courtesy of Gopendra Bahadur Shah, last king of Phalabang-Salyan. In spite of the weak reproduction, this map shows that in 1903 the proprietary rights of the "kingdom of Dang" (Phalabang) were settled. As the captions in Nepali show, inside the *rājyā* land belonging to the Salyan king, *guṭhī* land (belonging to the Nath Yogi) was circled in black, *birtā* land in yellow, and the uncultivated land or jungle in green. Palaces, routes (in red), rivers (in blue), irrigation canals (in grey), fountains, wells, gardens, temples, border lines and posts are also indicated. Photo: G. Krauskopff.

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started mapping them during a four-month visit: He measured cultivated or non-cultivated areas, duties and land revenues, but spent much more time discussing the fixation of pillar borders.[43] The beautiful map he drew shows villages on river banks and in forest clearances and forests illustrated by green trees (plate 5). This drawing appeared to me to be as much imaginary as actually observed, particularly in the northern part. It froze the unstable relation between cultivated (villages) and uncultivated areas (jungle).

Praising the supreme quality of the land acquired by the British, Grant, however, noted:[44]

> Each village is governed by a mahatoo who is similar to our Mocuddam and all the engagements with the government are transacted by him by neither he nor the Tharoos consider themselves as professing any property in the soil beyond the period during which it is cultivated. All disputes are settled by the Mahatoo whose decision is without appeal for it is a maxim with this people to allow of no interference on the part of the government and the latter is content to be relieved from the task. (Reports on Maps X 1532 and 1533, by Colonel Grant)

In contrast to their itinerant way of life in the forest or their talent as farmers, the point raised by Colonel Grant around 1820—that the Tharu do not claim any permanent property in the soil—has not been as much commented upon. Such a relationship to the farming land was in contradiction to the status of peasant, or settled peasants, as conceived by the Western colonial powers.

Conclusion

We discover the flight of Tharu farmers and their will to avoid tax payments in historical archives, that is, documents issued from the 'top', often during periods of crisis or changes in authority: When the British

43 Maps and Reports on Maps X 1532 and 1533.

44 He added the recurrent observations on the honest and industrious way of life of the Tharu. Information was haphazardly collected in different areas and, it seems to me, mainly in the Tulsipur Gonda area where the king of Dang settled after the Shah conquest. It is, however, one of the earliest written observations of the Tharu in Western Terai.

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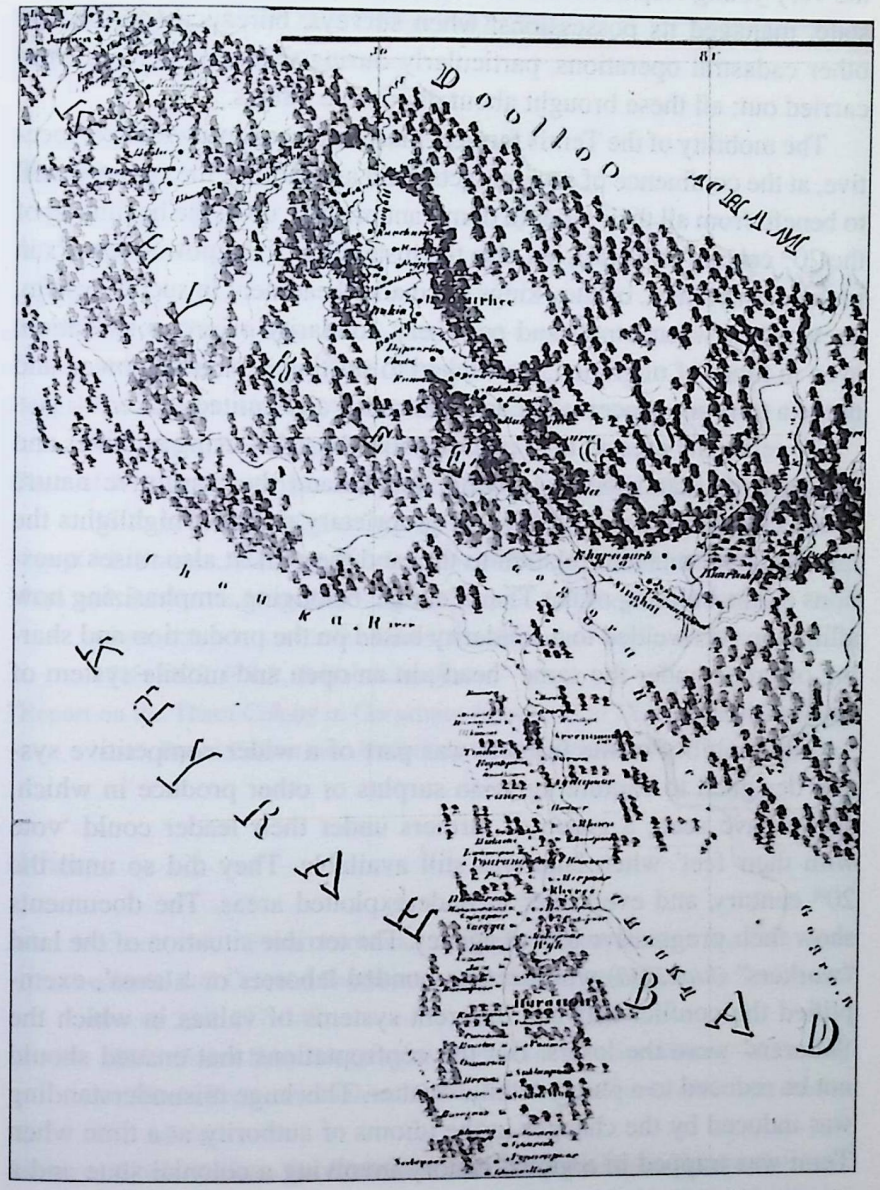

Plate 5: Extract of "A Map of the Northern Frontier of Oude … extending from the Urrah Nuddee on the east, to the Kali or Goggrah River on the West", surveyed by Lieutenant P. Warden Grant in 1818, showing part of the Naya Muluk ceded to the British after the Anglo-Nepal War. Agricultural and village clearances in the still forested area of today's Western Terai are visible; © British Library Board (X/1532, Map Collection, IOR).

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fixed permanent rights to settle the land, and therefore the border with the very young Nepalese nation;[45] when the Shah kingdom, as a nation state, managed its possessions; when surveys, bureaucratization and other cadastral operations, particularly during the Rana period, were carried out; all these brought about disruptive effects.

The mobility of the Terai's farmers must be placed in a wider perspective, at the confluence of several facts: land availability, the farmers' will to benefit from all their labor (a dominant practice up to the beginning of the 20th century in Terai), but also the instability of the power centers in premodern polities, be they kings or smaller headmen. In such a system, stretched between center and periphery, solidarity or group affiliation, even in times of migration, was linked to shifting centres of power, and not to a territory conceived of as a controlled and limited space.

To relate the present to a "contextualized past"—using archives and ethnographic data—helps to better understand the disruptive nature of the change in the conception of proprietary rights. It highlights the farmers' impermanent relation to the land they till. It also raises questions on the building of the Tharu 'ethnic' belonging, emphasizing how affiliation was welded to a solidarity based on the production and sharing of crops under the same 'head', in an open and mobile system of land cultivation.[46]

The mobility of the farmers was part of a wider competitive system designed to capture agrarian surplus or other produce in which, as we have seen, a group of farmers under their leader could 'vote with their feet' when land was still available. They did so until the 20th century, and even later in underexploited areas. The documents show their progressive loss of agency. The terrible situation of the land "workers" (*kamāiyā*) who became bonded laborers or 'slaves', exemplified the conflict between different systems of values in which the 'laborers' were the losers. But the confrontations that ensued should not be reduced to a purely 'ethnic' matter. This huge misunderstanding was induced by the changes in the idioms of authority, at a time when Terai was trapped in a global history involving a colonial state and a new nation state. A "contextualized past" shows how proprietary rights to the land and discourses on autochthony became central in the construction of contemporary ethnicity.

45 "Settlement reports" are very numerous in the 19th century.

46 Hence in Dang, the link to a soil god sustains the formation of permanent clan affiliations. A system of ritual privileges gave birth to the division of the Dang valley between soil gods (Krauskopff 1990).

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Abbreviations

IOLR	India Office Library and Records
BC	Board Collection

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Munsīs in the Courts of Early Śāha and Rāṇā Rulers: The Career of Lakṣmīdāsa Pradhāna

Manik Bajracharya[1]

Introduction

From the mid-18th century until the end of Rāṇā rule in Nepal, exchange of information between governments was largely mediated by *munsīs*. They were properly trained scribes and secretaries of the court, who were required to gain knowledge of languages of correspondence including Persian, the administrative language of the Mughals in neighboring India. Akbar (1542–1605) was the first of the Indo-Islamic emperors of northern India to formally declare Persian as the language of administration at all levels (Alam/Subrahmanyam 2004: 62). During the early period of colonial conquest in India, the British also followed the Persian administrative system and consolidated the role of the *munsīs*:

> During colonial times, a *munsī* was an interlocutor for the Company officials who not only functioned as a mediator and a spokesman (*vakil*), but was also a key personage who could both read and draft materials in Persian, and who had a grasp of the realities of politics. (Alam/Subrahmanyam 2004: 61)

From the 17th to the early 19th century, *munsīs* were also the elites in India who could prominently serve as teachers. When the British established

1 I would like to express my gratitude to the Pradhāna family, especially Mr. Janaki Pratap Singh Pradhan, Mr. Bhagat Man Singh Pradhan, Mr. Mani Man Singh Pradhan and Mr. Shantesh Man Singh Pradhan from among the descendants of Lakṣmīdāsa, for providing me with relevant materials and facts for this article. I had an opportunity to interview them on September 14, 2015.

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Fort William College in 1800, the Indians who were appointed as teachers were mainly *munsīs* and Paṇḍitas (Das 1978: 15–21).

Much has been written on the subject of *munsīs* and other scribal elites of India.[2] However, works that illuminate the scribal culture of premodern Nepal are almost non-existent. In this article I will try to sketch the life and the role played in the courts of 19th-century Nepal by a prominent *munsī* named Lakṣmīdāsa Pradhāna. He was the *mīra munsī* ("head of *munsīs*") of the Munsīkhānā ("house of *munsīs*"), the government office responsible for foreign affairs and correspondence during the rule of Bhīmasena Thāpā (term of office 1806–1837) until the end of Rāṇā period in 1951.

A Short Biography of Lakṣmīdāsa

Bhagat Man Singh Pradhan published a chronicle (*vaṃśāvalī*) of the Pradhāna family in VS 2063 (2006 CE). According to this *vaṃśāvalī*, Lakṣmīdāsa was born in VS 1850 (1793 CE) to Motirāma Siṃha, a descendant of one of the six *pradhānas* of Patan. These *pradhānas* used to rule Patan as powerful nobles during the late Malla period. The *vaṃśāvalī* further relates the ancestry of the Pradhāna lineage to a Ṭhakurī prince named Kalyāṇa Siṃha from Rajasthan who came to Patan in the 16th century and married the daughter of Harihara Siṃha Malla (Pradhan VS 2063: 1). During Pṛthvīnārāyaṇa Śāha's conquest of Patan, one of the six *pradhānas*, Kājī Khaḍgadhara Siṃha, fled to Banaras, while all the others were killed (ibid.: 2).[3] In the course of time, Khaḍgadhara's sons Gajendra Siṃha and Motirāma Siṃha returned to Nepal and settled at Madu Ṭola in Kathmandu. Munsī Lakṣmīdāsa was born to Motirāma Siṃha as the second of his five sons (ibid.: 30–31).

It is not yet known where Lakṣmīdāsa received his education. He apparently came in contact with Bhīmasena Thāpā in Banaras when the latter accompanied Raṇa Bahādura Śāha during his exile in 1800–1803 (Upādhyāya VS 2056). Bhīmasena Thāpā became the *mukhtiyāra*

2 On the scribal elites of premodern India, see Rao/Shulman/Subrahmanyam 2001, Alam/Subrahmanyam 2004, Das 1978, O'Hanlon 2010 and the other contributions to the special issue *Munshis, Pandits and Record-Keepers: Scribal Communities and Historical Change in India* of *The Indian Economic and Social History Review* 47.4.

3 Even though Khaḍgadhara's name is not mentioned, the story of the flight of one of the six *pradhānas* of Patan is narrated in some of the *vaṃśāvalis* composed in the 19th century. See, for instance, NBhV I, p. 118.

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(chief minister) of Nepal after the death of Raṇabahādura in 1806. During his *mukhtiyārī*, Bhīmasena Thāpā appointed Lakṣmīdāsa to the position of *mīra munsī* at the Munsīkhānā. Lakṣmīdāsa was also associated with the Alaīcīkoṭhī.[4] Saradāra Bhīma Bahādura mentions that Bhīmasena Thāpā called Lakṣmīdāsa in from the Alaīcikoṭhī to appoint him as *mīra munsī* of the Munsīkhānā (Pā̃ḍe VS 2039: 113), while Śrīrāmaprasāda (Upādhyāya VS 2056) states that he was appointed as the chief of the Alaīcikoṭhī after the Anglo-Nepalese war of 1814–1816.[5] After his appointment at the Munsīkhānā, the career of Mīra Munsī Lakṣmīdāsa continued for five decades. According to a *vaṃśāvalī* housed at the National Archives Nepal, he died at the age of 75 in Banaras on the 11th of the bright fortnight of Bhādra in VS 1924 (1867 CE) (DP-MGV, fol. 4v, 5r).

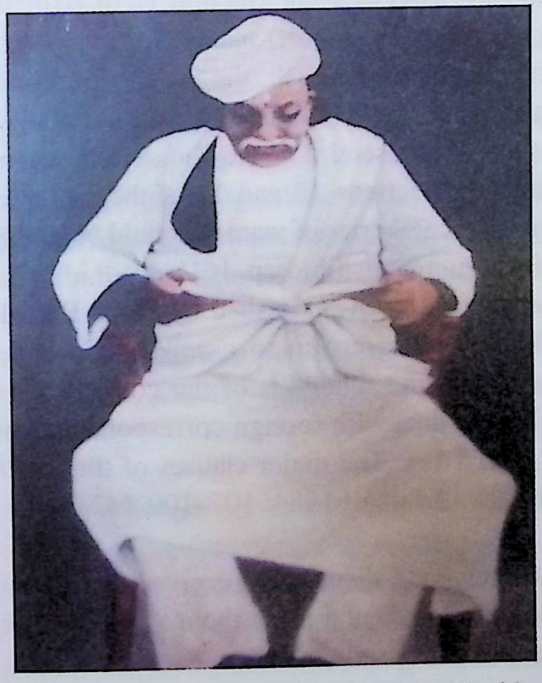

Plate 1: A portrait of Mīra Munsī Lakṣmīdāsa, in the collection of the Pradhāna family at Madu Ṭola, Kathmandu. Photo: Manik Bajracharya.

4 The Alaīcīkoṭhī was a trading house cum consulate office established by the Nepalese government in Patna, India.

5 It seems that Lakṣmīdāsa was not the first *mīra munsī* during Bhīmasena Thāpā's term of office. According to the document NGMPP E 2738/6 dated VS 1865 (1809 CE), a person named Rajā Khā̃ held the position of *mīra munsī*. This document granted him a house and land in Kathmandu for him and his family. Regmi (1978: 33–34) also provides six documents relating to him, all from 1810. In none of these documents, however, is the Munsīkhānā mentioned.

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On the Munsīkhānā and the Duties of a Court Munsī

The Munsīkhānā dealt with Nepal's relations with England, India, Tibet and China. It was founded during the rule of Bhīmasena Thāpā. The exact date of its formation is unknown,[6] but it was probably established after the Anglo-Nepalese war of 1814–1816, and sometime around the opening of the permanent British Residency in Kathmandu.[7] This opening resulted from the need to conduct foreign affairs, especially with the neighboring colonial government, in a more active and professional manner.

Before the formation of the Munsīkhānā, foreign correspondence was handled by the Jaisīkoṭhā, an office founded by King Pṛthvīnārāyaṇa Śāha. The Jaisīkoṭhā was later put under the Munsīkhānā, and it was then re-organized to deal mainly with Tibetan affairs.

The *Mulukī Ain* (MA) of 1854, Section 12 of Article 33, mentions the following duties of the (court) *munsī*: for every letter of memorandum received from the English, the *munsī* should prepare a reply within two days of its arrival after consulting about it with the prime minister. He should then send it to the Kausī to be stamped (MA, pp. 160–161). Similarly, Sections 13 and 14 of the same Article provide instructions on what categories of women should be granted travel documents to visit foreign lands (ibid., p. 161).

A long and important *savāla*[8] issued by Jaṅga Bahādura Rāṇā and Raṇoddipa Siṃha, and referring to a *savāla* of 1864 addressed to Lakṣmīdāsa, contains the functions of the court *munsī* and provides directions on how to deal with foreign correspondence both with British India and with Tibet. The major clauses of the *savāla* include the following activities (Adhikari 1984: 107–109, 142–145):

- sorting out letters and dispatches received daily from both within and outside Nepal and submitting them to the Western Commanding General or to the prime minister

6 Kumar (1967: 103) mentions different opinions regarding the date of establishment of the Munsīkhānā—1825 according to Babu Ram Acharya, and 1808 according to Nepal Man Singh.

7 A first attempt to open a British residency in Nepal was carried out after the treaty of October 1801. Captain Knox then came to Kathmandu as the resident, but he left in March 1803 and the attempt of the British to post a resident in Nepal ended in failure. After the ratification of the Sugauli Treaty on 4 March 1816, the first officiating resident of the permanent British residency arrived in Kathmandu in April 1816 (see Manandhar 2005: 6–9).

8 *Savālas* are government rules and regulations enacted based on an existing law (see Karmacharya 2001: 328).

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- preparing drafts of replies to the letters and dispatches
- attesting *lālamoharas* and *rukkās* and dispatching them to the concerned parties with the approval of the prime minister
- issuing travel documents to people visiting India
- receiving Tibetan officials visiting Nepal and dispatching letters to the *ambā* (Chinese representative) and to other high officials in Tibet
- keeping records of all the letters sent and received

Jaṅga Bahādura Rāṇā established another office near the British Residency at Lain in Kathmandu and kept it under the control of the Munsīkhānā. An attaché was appointed to it with the military rank of a captain. The office was variously known as the attaché office, the office of the captain of Lain, or the office of the *munsī* (Pāḍe VS 2039: 113). The purpose of this office was to facilitate communications between the British Residency and the palace.

During Candra Śamśera's rule (1901–1929), the Munsīkhānā was brought under the direct control of the prime minister (Agrawal 1976: 19). He also expanded the Munsīkhānā into five sections: Jaisīkoṭhā, Sadara Aminī Gośvārā, border surveys, the section concerned with affairs relating to India, and England and the attaché of Lain (Pāḍe VS 2039: 114).

H.N. Agrawal, referring to a *munsīkhānā jaisīkoṭhā savāla* issued in VS 1974 (1917 CE), lists the scope of the Munsīkhānā's activities as follows:

> (a) formulation of foreign policy with regard to England, India, China and Tibet; (b) implementation of the policy laid down by sending *dui chhape* [a double-sealed document, MB] orders to various offices and border district administration; (c) issue *rahdani* (passport) to Nepalese nationals going to foreign countries; (d) correspond with Tibet and China (through jaisi kotha) and England and India; (e) decide all border cases, boundary disputes and cases in connection with no man's land, and (f) maintain all records and foreign correspondence. (Agrawal 1976: 41–42)

The staff of the Munsīkhānā in the year 1917 consisted of forty persons and another ten working out of the Jaisīkoṭhā.

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Lakṣmīdāsa's Career as the *Mīra Munsī*

Lakṣmīdāsa, after becoming *mīra munsī* at the Munsīkhānā, enjoyed a long career in the field of foreign affairs in Nepal. He served in the office through the major part of the 19th century under several masters. We may gain insight into his career by examining a number of documents and other written sources relating to him.

The earliest documents relating to Lakṣmīdāsa that I have found so far are from the 1830s. Of the documents collected by Shantesh Man Singh Pradhan, there are two *lālamoharas* from 1832 and one from 1837 in which Lakṣmīdāsa is addressed as *munsī*. One of the *lālamoharas* from 1832 (see Appendix, Doc. 2) was issued by King Rājendra, who granted him a piece of land at Madu Ṭola as *sunābirtā*.[9] Lakṣmīdāsa obtained the land, originally belonging to a *guṭhī*, by providing another piece of land as a replacement.

Lakṣmīdāsa is mentioned in the colophon of the *Nepālī Rājāko Vaṃśāvalī*, a chronicle in the Sylvain Lévi Collection at the Institut d'études indiennes, Centre de documentation des Instituts d'Orient of the Collège de France, under the code MS.SL.08 (B.7). The work, dating from 1834, was commissioned by Lakṣmīdāsa and written by a Brahmin scribe named Siddhinārāyaṇa of Devapaṭṭana. In its colophon, Lakṣmīdāsa is addressed as a "virtuous, benevolent and excellent *munsī*" (see Appendix, Doc. 4). The translation of the chronicle in Sylvain Lévi's *Le Népal* was largely based on this manuscript, which had been presented to him by Deva Śamśera Rāṇā (see Appendix, Doc. 4 for the text and translation of the colophon).

Bhīmasena Thāpā was removed from power in 1837, and he died in 1839. After him, Nepalese politics went through a decade of turbulent transition. The struggle between different factions and constant shifts in power made for a dangerous and unstable period. Lakṣmīdāsa, however, managed to hang on to his post as the *mīra munsī* throughout this difficult time.

In a *rukkā* dating from 1842, Lakṣmīdāsa is addressed regarding the appointment of a new clerk (*nausindā*) for translating Persian documents at the Munsīkhānā. This is the earliest document found up to

9 *Sunābirtā* is privately owned land which is liable to some taxation (see Whelpton 1991: 286). This form of land grant emerged when the *raikar* (state owned) land was sold to individuals, originally as tax-free and inheritable property. Pṛthvīnārāyaṇa Śāha levied taxes on such lands in the Kathmandu Valley (see Regmi 1964: 39–40).

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now where the name "Munsīkhānā" is mentioned. The document is preserved as NGMPP DNA 15/95 at the National Archives Nepal (see Appendix, Doc. 1).[10]

Another document, NGMPP E 2764/62, records Mīra Munsī Lakṣmīdāsa's salary as Rs. 1,300 for the year VS 1901 (1844–1845 CE). This contradicts Adhikari (1984: 109), who asserts that the *mīra munsī*'s annual salary was Rs. 3,401, Rs. 1,200 of which was paid in Indian currency and the rest provided in the form of land.

In 1846, after the Kot massacre, Jaṅga Bahādura Rāṇā rose to power and became the prime minister and commander-in-chief. According to the family sources, Lakṣmīdāsa was present at the palace during the massacre. Not only did he survive this incident; his career attained new heights during the rule of Jaṅga Bahādura Rāṇā.

In a *rukkā* dating from 1849 issued by King Surendra Śāha, Lakṣmīdāsa is addressed as "*ṭaksārī*[11] *mīra munsī*," indicating that he was granted authority to mint coins. This document, published in Jośī (VS 2042: 14–15), directs the *munsī* to control the import of musk from Tibet (see Appendix, Doc. 3). Satyamohana Jośī further mentions in his book that Lakṣmīdāsa minted coins at his own house at Madu Ṭola. The coins contained his name, "Lakṣmī," on one side. He was also put in charge of customs at the Tibet border, and of a copper mine as well (ibid.: 15).

Apart from the Nepalese documents, Mīra Munsī Lakṣmīdāsa was mentioned in the correspondence between the British residents and the British government. Ludwig F. Stiller has edited several of these in his book *Letters from Kathmandu: The Kot Massacre* (1981). Lakṣmīdāsa is often alluded to as the "darbar munshi" or "darbar mir munshi," and occasionally mentioned by name in those documents. Some of the documents from Stiller's book are discussed below.

In a letter sent to the British government on 3 July 1840, Resident Hodgson reports of his questioning the *darbāra munsī* regarding a mutiny within the Nepalese army (Stiller 1981: 22). Hodgson mentions, too, that the *munsī* and occasionally the minister had been the only persons authorized to deal with the resident during Bhīmasena Thāpā's term of office (ibid.: 20).

In Hodgson's letters of 21 August 1840 (ibid.: 29–30) and 5 September 1840 (ibid.: 30–32) to the British government regarding

10 An edition of this document has also been published in Adhikari 1984: 142.
11 *Ṭaksārī* is a person in charge of mints; derived from *ṭaksāra*, "mint".

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negotiations concerning Nepal's seizure of a part of Ramnagar, one gets a clearer picture of the role played by the *darbāra munsī* and the *munsī* of the resident as intermediaries between the palace and the residency.

On 2 January 1841, Nepal signed an agreement committing itself to make every effort to increase friendly relations between the British and Nepalese governments, and to treat the British resident always in an honorable manner. Lakṣmīdāsa is one of 92 *gurus*, *cautarīyās*, *kājīs* or other top-ranking officials of Nepal who signed the agreement (ibid.: 72–74, Foreign Secret Consultation no. 121).

In a letter of Resident Lawrence to the British government dated 19 February 1844, the *darbāra munsī* is described as "the constituted medium of intercourse" (ibid.: 237). In another of his letters, from 18 December 1844, he mentions the *darbāra munsī* as the "chief spokesman" of the Nepalese government (ibid.: 260).

In 4 January 1845, Lawrence reports on Kājī Jaṅga Bahādura Rāṇā, Kājī Kālu Śāhī, Umākanta Upādhyāya and Lakṣmīdāsa coming to the residency to announce Māthavara Siṃha Thāpā's appointment as "Minister for life" (ibid.: 265). Similarly, in a letter of 23 September 1845, he mentions the *darbāra munsī* reporting to him on the formation of a new body of ministers consisting of Cautariyā Fatya Jaṅga and the *kājīs* Gagana Siṃha, Abhimāna Rānā and Dalabhañjana Pāṇḍe (ibid.: 286).

Acting Resident Ottley, in a letter of 15 September 1846, reports that the *darbāra mīra munsī* came with a cousin of Jaṅga Bahādura Rāṇā to pass on the news of the Kot massacre (ibid.: 296). Similarly, in a letter of 16 September 1846, Ottley writes that Jaṅga Bahādura Rāṇā, accompanied by the *darbāra mīra munsī*, visited him to inform that Jaṅga Bahādura had been appointed as "sole Minister and Commander-in-Chief," and to "express the hope that the friendship between the two governments might continue unabated" (ibid.: 298).

Munsī Lakṣmīdāsa is mentioned as the scribe in the colophon of a Sanskrit treatise, the *Upavanavinoda*. The text, an extract from the *Sāraṅgadharapaddhati*, contains descriptions of herbs and garden decorations. The text is preserved as NGMPP A 951/91 and contains 37 folios. Lakṣmīdāsa was one of the 218 members of the Kausal (Council) that prepared the *Mulukī Ain* of 1854 (MA, p. 5).

It seems that Lakṣmīdāsa and his family enjoyed elevated social privileges during the Rāṇā period. His family was regarded as "Nevāra Rāṇājīs" for the closeness they had achieved with the Rāṇā rulers (Pā̃ḍe VS 2039: 114). They were allowed to perform such rituals as marriage in the manner of Parbatīya Kṣatriyas. Henry Ambrose Oldfield, who

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served as a medical doctor at the British Residency from 1850 to 1863, therefore wrote: "[the darbar munsī has,] on payment of a fee, been raised from the rank of Niwar to that of Parbattiah" (Oldfield 1880: 411).

After Lakṣmīdāsa, his descendants continued to serve at important posts of the Munsīkhānā, especially at the attaché office of Lain, and in other offices. His family was popularly known as the "*Munsī* Clan" (*munsī khalaka*). Kājī Bala Māna, Amara Māna and Kājī Marīca Māna were among his prominent descendants who served at the Munsīkhānā.

Conclusion

Lakṣmīdāsa did not belong to any community of traditional scribes, such as the Kāyasthas, Jośīs or the Paṇḍitas. Still, he had a very successful career as a *munsī*. He was a Newar who descended from the nobles of the late Malla period, and was educated in the Persian and English languages, as required of *munsīs* at that time. This may have provided him with knowledge of a sufficiently broad transcultural scope that, together with additional advantages, allowed him to become a successful intermediary between cultures within Nepal and between governments.

Lakṣmīdāsa carried out his duties as the *mīra munsī* during one of the most turbulent times in the political history of Nepal. His career spanned five decades under several prime ministers.[12] He faithfully fulfilled his duties as an administrator, and possibly played an important role in lessening the political turmoil of mid-19th-century Nepal. We may say that he was a pioneer in raising the post of *munsī* to a professional level in Nepal. He was also able to train descendants of his to the profession and to secure the post of the chief *munsī* for them, thereby forming a "clan" of *munsīs*.

The career of Munsī Lakṣmīdāsa thus represented something beyond the usual role of a *munsī* as a scribe, author, translator or teacher. He was a cultural and administrative broker, a successful diplomat, and a mediator between governments, cultures and languages. He established himself as an active player of the 19th-century Nepalese court to great effect. He was, significantly, one of the very few Newars who held an important post in the courts of early Śāha and Rāṇā rulers.

12 DP-MGV, fol. 4r mentions that Lakṣmīdāsa served for 51 years under seven *mukhtāras* (sic).

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Appendix

Editorial Conventions

The texts have been transcribed as faithfully as possible; the orthography, for instance, has not been changed into modern Nepali. Nepali case endings are treated as true suffixes, and Nepali compound verbs have been joined. The *nukta*-sign (as in ब़, य़), visarga-like sign (:) and middle dot (•) have been ignored in the editions. The *daṇḍa* (।) has been supplied to the text as a sentence breaker where necessary. The various types of macrons and lines are uniformly represented by "---". Line numbers have been added for the main body of the original text.

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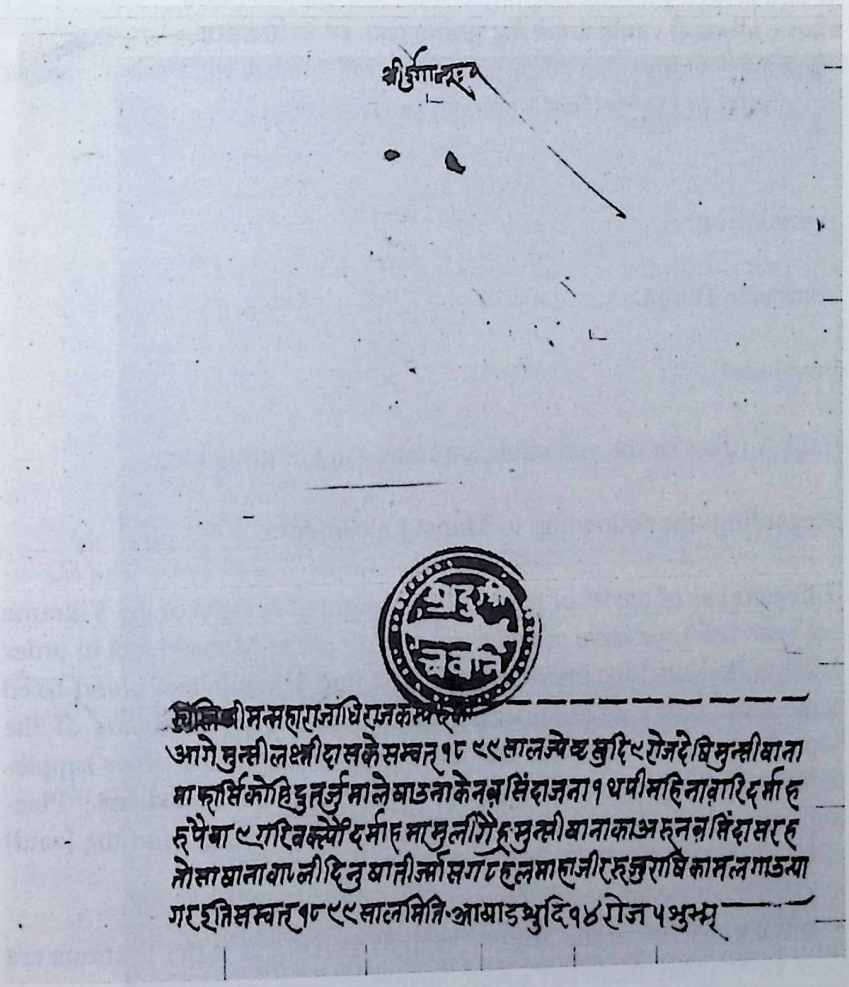
Document 1: A *Rukkā* to Munsī Lakṣmīdāsa re the Appointing of a New *Nausindā*

Dated VS 1899, Thursday, the 14th of the bright fortnight of Āṣāḍha (1842 CE); NAK ms. no. 632; microfilmed as NGMPP DNA 15/95; for the digital edition, see DOI: https://doi.org/10.11588/diglit.30311.

Facsimile:



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Edition:

श्री दुर्गाज्यू: \

[royal seal]

1 स्वस्ति श्रीमन्महाराजाधिराजकस्य रूक्का । ---
आगे मुन्सी लक्ष्मीदासके । सम्वत् १८९९ साल ज्येष्ठ सुदि ९ रोजदेषि मुन्सीषाना-
मा फार्सिको हिदुतर्जुमा लेषाउनाके नवसिंदा जना १ थपी महिनावारि दर्माह
रूपैया ९ गरिवक्स्यौं । दर्माह मामुली गैह्र मुन्सीषानाका अरू नवसिंदासरह
5 तोसाषानावाट ली दिनु । षातीज्मासंग टहलमा हाजीर रूजु राषि काम लगाउन्या
गर । इति सम्वत् १८९९ साल मिति आषाड शुदि १४ रोज ५ शुभम् । ---

Translation:

Venerable Durgā

[royal seal]

Hail! A *rukkā* of the venerable supreme king of great kings.

[Regarding] the following: to Munsī Lakṣmīdāsa.

[Effective] as of the 9th of the bright fortnight of Jyeṣṭha of the Vikrama era year 1899, we have added a *nausindā*[13] at the Munsīkhānā in order to have Persian [documents] translated into Hindu[stānī?], and fixed a monthly salary of 9 rupees. Just as with other *nausindās* of the Munsīkhānā, provide him with the monthly salary and other supplementary remuneration, taking [the money] from the Tosākhānā.[14] Placing your faith in him, and him at [your] service, assign him the [said] task.

Thursday, the 14th of the bright fortnight of Āṣāḍha in the Vikrama era year 1899. [May there be] auspiciousness.

13 A *nausindā* is a scribe or a clerk of lower rank responsible for translation, registry and accounts.
14 The Tosākhānā was the central royal treasury in Kathmandu.

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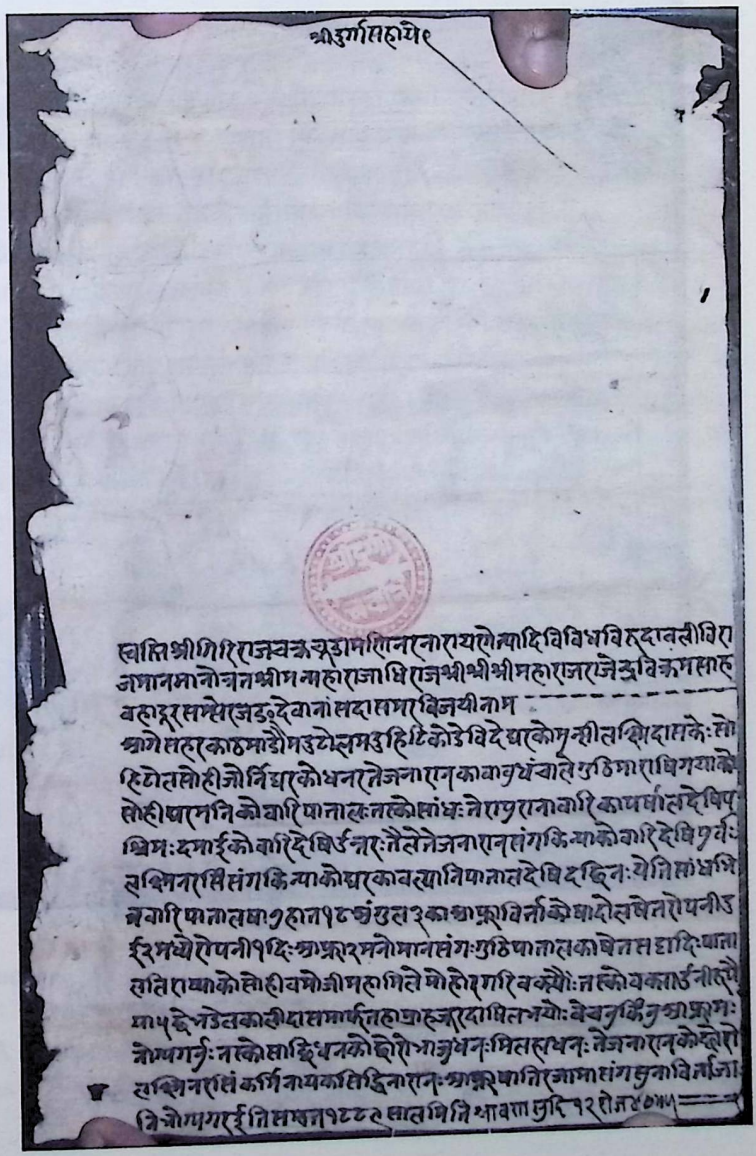
Document 2: A *Lālamohara* from King Rājendra Granting Munsī Lakṣmīdāsa a Piece of Land at Madu Ṭola as *Sunābirtā*

Dated VS 1889, Wednesday, the 12th of the bright fortnight of Śrāvaṇa (1832 CE); Private, in possession of Shantesh Man Singh Pradhan (Maru, Kathmandu); photographed by Manik Bajracharya as LD 1/1; for the digital edition, see DOI: https://doi.org/10.11588/diglit.39467.

Facsimile:

Recto:



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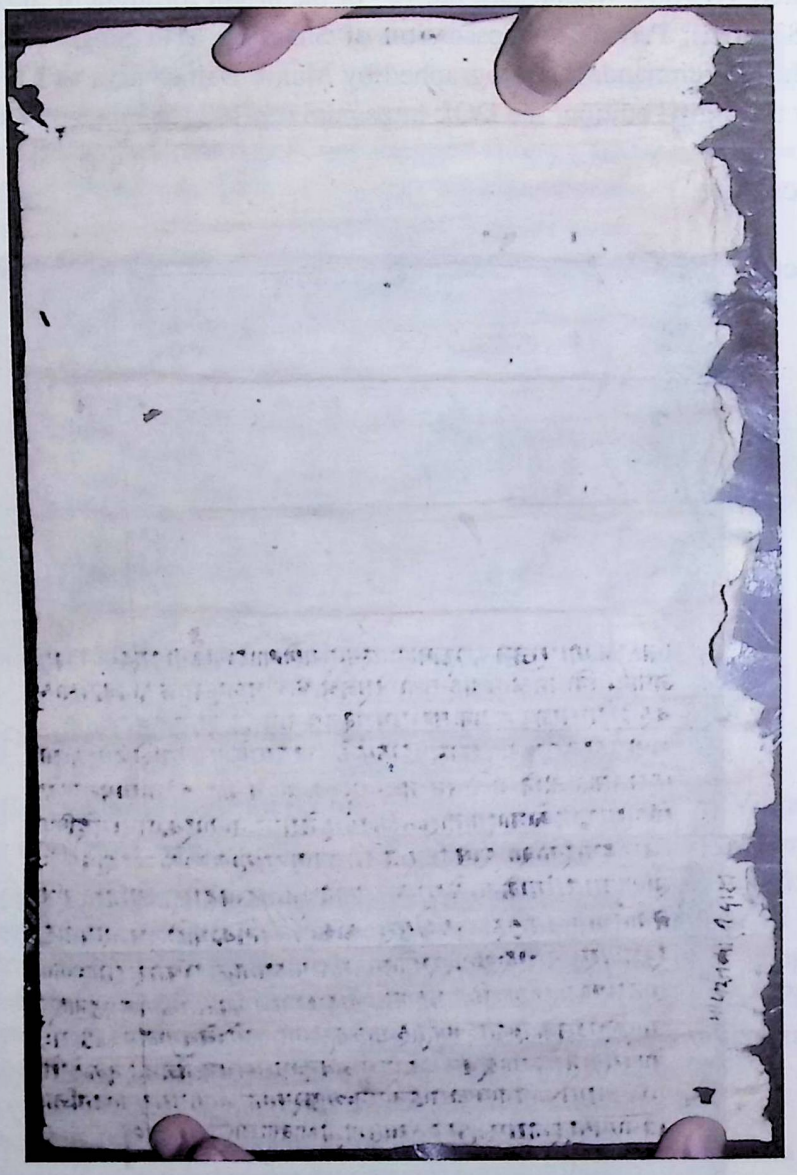
Verso:



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Edition:

[Recto]

श्री दुर्गासहाये\

[royal seal]

1 स्वस्ति श्रीगिरिराजचक्रचूडामणिनरनारायणेत्यादिविविधविरूदावलीविरा-
जमानमानोन्नतश्रीमन्महाराजाधिराजश्रीश्रीश्रीमहाराजराजेन्द्रविक्रमसाह-
वहादूरसम्सेरजङ्देवानां सदा समरविजयीनाम । ---
आगे सहर काठमाडौ मडुटोल मडुहिटि कोडेविदे घरको मुन्सी लक्ष्मीदासके । सो-
5 हि टोल सोही जोर्नि घरको धन र तेजनारान्का वावु धंचाले गुठिमा राषिगयाको
सोही घरमनिको वारि पाताल तस्को सांध तेरा पुराना वारिका पर्षालदेषि प-
श्चिम दमाईको वारिदेषि ऊत्तर तैले तेजनारान्संग किन्याको वारिदेषि पुर्व
लक्ष्मिनरसिंसंग किन्याको घरका वत्यानि पातालदेषि दछिन । येति सांधभि-
त्र वारि पाताल षा ७ हात १८ अंगुल ३ का आफ्ना वितिको षादोल षेत रोपनी दु-
10 ई २ मध्ये रोपनी १ दि आफ्ना २ मनोमानसंग गुठि पातालका षेत सट्टा दि पाता-
ल लिराष्याको सोहीवमोजीम हामिले मोहोर गरिवक्स्यौं । तस्को वक्साऊनी रूपै-
या ५ छेभडेल कालीदासमार्फत हाम्रा हजूर दाषिल भयो । वेचनु किंनु आफ्ना म-
नोग्य गर्नु । तस्को साछि धनको छोरो भाजुधन मिलह्मधन तेजनारान्को छोरो
लक्ष्मिनरसिं कर्मिनायक सिद्धिनारान् । आफ्ना षातिरजामासंग सुनावितिं जा-
15 नि भोग्य गर । ईति सम्वत १८८९ साल मिति श्रावण सुदि १२ रोज ४ ॥॥

[Verso]
माफत[15] कालीदास

Translation:

[Recto]

May glorious Durgā succour (us)!

[Royal seal]

Hail! [A decree] of him who is shining with manifold rows of eulogy [such as] "The venerable crest-jewel of the multitude of mountain

15 For *mārphata*.

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kings" and Nāranārāyaṇa etc., high in honour, the venerable supreme king of great kings, the thrice venerable great king, Rājendra Vikrama Sāha, the brave swordsman, the divine king always triumphant in war.

[Regarding] the following: to Munsī Lakṣmīdāsa of Koḍevide Ghara at Madu Hiṭi, Madu Ṭola in the city of Kathmandu.

The plot of building land (*bāri-pātāla*) adjacent to Dhana and Teja Nārān's house—(that is, the land) below that same house [and] in the same *ṭola* donated to the *guṭhī* by their father Dhaṃcā—lies within following boundaries: to the west of the wall of your older garden, to the north of the garden of the *damāī*, to the east of the wall of the garden that you bought from Teja Nārān, [and] to the south of the building land [you] bought from Lakṣmī Narasiṃ. The land within this boundary measures 7 *khās*,[16] 18 cubits and 3 finger-breadths. Under an agreement between you, you (i.e., Lakṣmīdāsa) have received the building land from the *guṭhī* after giving [it] one *ropanī*[17] of the two *ropanīs* of your own *birtā khādola*[18] land as a replacement, in accordance wherewith we have sealed [this document]. The fee (*baksāunī*) of five rupees for this has been submitted to us through the *Chebhaḍela*[19] Kālīdāsa. Do selling or buying of the land as you wish. The witnesses to this are: the sons of Dhana (Bhāju Dhana and Milamha Dhana), the son of Teja Nārān (Lakṣmī Narasiṃ), and the chief mason (Siddhi Nārān). Enjoy (the property) to your own satisfaction, considering it as a *sunābirtā*.

Wednesday, the 12th of the bright fortnight of Śrāvaṇa in the Vikrama era year 1889.

[Verso]

Through (*mārphata*) Kālīdāsa.

16 *Khā* is a measurement unit of land, having twenty-two and half cubits in length and four cubits in breadth, appropriate for building a house (*Nepālī Bṛhat Śabdakośa*, s.v. *khā*).
17 *Ropanī* is a measurement unit of land, having an area of 5,476 square feet.
18 Meaning unclear.
19 Chebhaḍela was a government institution responsible for building and renovating state houses and properties, and collecting taxes. Here, the term is referring to an officer of the institution.

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Document 3: A *Lālamohara* from King Surendra Directing Mīra Munsī Lakṣmīdāsa to Control the Import of Musk from Tibet

Dated VS 1905; Friday, the 30th of the dark fortnight of Caitra (1849 CE); edited by Satyamohana Jośī (VS 2042: 15).[20]

Edition:

श्री दुर्गाज्यू: १

श्री ५ सर्कार

1 स्वस्तिश्री गिरिराज चक्र चूडामणि नरनारायणेत्यादि विविधविरुदावलि विराजमान मानोन्नत
श्रीमन्महा-
राजाधिराज श्रीश्रीश्री महाराज सुरेन्द्र विक्रम साहबहादुर सम्सेर जङ्गदेवानां सदा समर विजयिनाम–
आगे टकसारी मीर मुन्सी लक्ष्मीदासके भोटबाट आउन्या कस्तुरी सेर १ के महसूल कस्तुरी तोला
२।१।० लाग्दा जाहेर गरी कस्तूरी कोही महाजन बेपारी ल्याउँदैनन् चोरि छपि ल्याउँछन् ----
– बाट महसूल
5 घटाई बक्सनु भया महाजन बेपारिहरू खुला गरी ल्याउनन् षुला गरी ल्याया ----- को महसूल
पनि बढन्या
छ भनी तैले विंति गर्याको श्री मद्राजकुमार कुमारात्मज श्री प्राइम मिनिष्टर यान् कम्यांडर इन चिफ्
जनरल जङ्गबहादुर कुंवर राणाजी मार्फत हाम्रा हजुरमा जाहिर भयो अब उप्रान्त सम्बत् १९०६
साल बैसाष
बदि १ रोज देखि भोटबाट महाजन वेपारिले ल्यायाका कस्तुरी सेर १ के महसूल कस्तुरी तोला
१।१। चुक्ति
गरी ली कस्तुरी बिनामा टक्सारको छाप लाई दिनु टक्सारको छाप नलाग्याको कस्तुरी कोही
महाजन् बेपारिले
10 किन्या बेच्याको फेला पार्यो भन्या कस्तुरी जवद गरी ली ----- मा बुझाउनु भन्या बन्देज
बाँधि वक्स्यौ
यस बन्देजमा चलैन चलावैन तसलाई भारि दंड होला इति सम्बत् १९०५ साल मिति चैत्र बदि ३०
रोज ६

शुभम्।

मार्फत बंबाहादुर कुँवर राणाजी
मार्फत शिव प्रसाद अर्ज्याल

20 The edition provided here is a reproduction of Jośī's edition without any modifications. The translation is mine.

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Translation:

Venerable Durgā – 1

The fivefold venerable ruler

Hail! [A decree] of him who is shining with manifold rows of eulogy [such as] "The venerable crest-jewel of the multitude of mountain kings" and Nāranārāyaṇa etc., high in honour, the venerable supreme king of great kings, the thrice venerable great king, Surendra Vikrama Sāha, the brave swordsman, the divine king always triumphant in war.

[Regarding] the following: to Ṭaksārī Mīra Munsī Lakṣmīdāsa.

The request you have made, asking: "Since, for every 1 *sera*[21] of musk imported from Tibet, the amount of 2 *tolās*[22] and 1 *ānā*[23] has been levied, no merchant will formally declare [musk] when bringing any. They bring it in hidden [from customs]. If His Majesty decreases the levied amount, the merchants will bring [the musk] openly. The levies accruing to His Majesty will increase if they bring [the musk] openly," has been made known to us by the venerable prince and son of a prince Prime Minister and Commander-in-Chief General Jaṅga Bahādura Kūvara Rāṇājī. We have put into effect the following rule: "From now on, starting from the 1st of the dark fortnight of Vaiśākha of the year [VS] 1906, for every 1 *sera* of musk brought from Tibet by merchants, take 1 *tolā* and 1 *ānā* of the musk as a levy, and mark the musk pods with the stamp of the *ṭaksāra*. If unstamped musk is found being bought or sold by any merchants, confiscate the musk and hand it over to His Majesty. Whoever disobeys this rule or causes [others] to disobey it, will be subject to heavy punishment."

Friday, the 30th of the dark fortnight of Caitra in the Vikrama era year 1905. [May there be] auspiciousness.

Through Bam Bāhādura Kūvara Rāṇājī.
Through Śiva Prasāda Arjyāla.

21 A measure of weight equivalent to 80 *tolās* (approx. 933 grams).
22 A measure of weight equivalent to approximately 11.5 grams.
23 One-fourth of a *tolā*.

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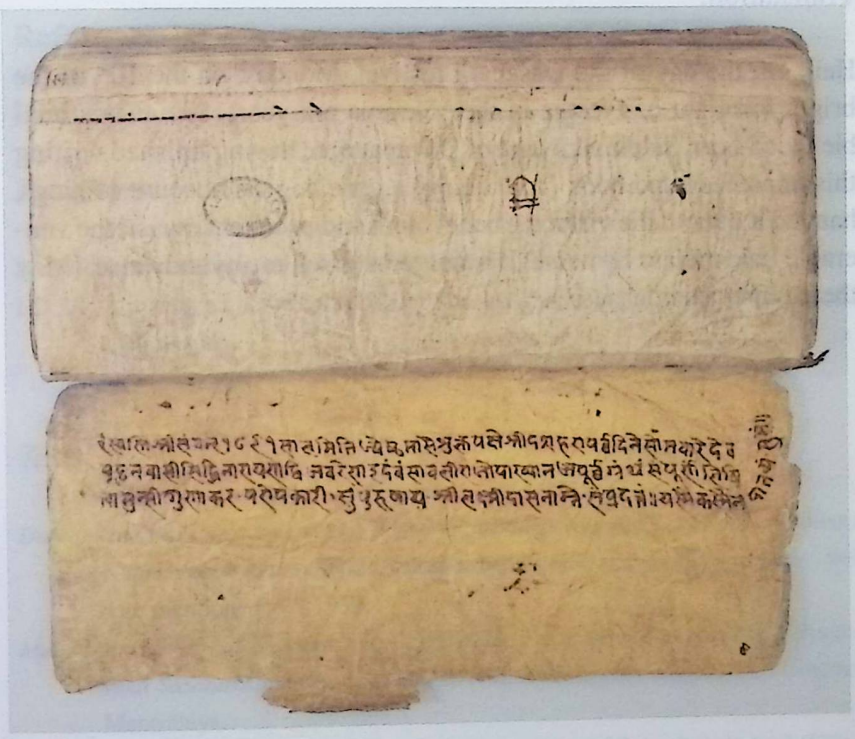
Document 4: The Colophon of the *Nepālī Rājāko Vaṃśāvalī*

Recto of the back cover-leaf of a chronicle in the Sylvain Lévi Collection at the Institut d'études indiennes, Centre de documentation des Instituts d'Orient of the Collège de France, MS.SL.08 (B.7); Dated VS 1891; Monday, the 10th of the bright fortnight of Jyeṣṭha (1834 CE).

Facsimile:



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Edition:

1 स्वस्ति श्रीसंवत् १८९१ सालमिति ज्येष्ठमासे शुक्लपक्षे श्रीदशहरापर्व्वदिने सोमवारे देव-
पट्टनवासीसिद्धिनारायणद्विजवरेण इदं वंसावली(!)राजोपाख्यान(!)अपूर्व्वग्रंथं संपूर्णं लिषि-
त्वा मुन्सीगुणाकरपरोपकारीसुपुरुषाय श्रीलक्ष्मीदासनाम्ने संप्रदत्तं ॥ यस्मै कस्मै न
दातव्यं सुभं ॥

Translation:

Hail! On the day of the Daśaharā festival, Monday, on the 10th of the bright fortnight of Jyeṣṭha in the Vikrama era year 1891, the estimable twice-born Siddhinārāyaṇa of Devapaṭṭana, having finished writing this unprecedented book [containing] a genealogical account of kings, handed it over to the virtuous, benevolent and excellent *munsī*, the venerable Lakṣmīdāsa by name. It is not to be given to anybody else. [May there be] auspiciousness.

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Abbreviations

DP-MGV	*Damanārohaṇa Pūjāsāmāgrī* and *Munsi Gharānāko Vamśāvalī*
MA	*Mulukī Ain*
NBhV	*Nepālikabhūpavaṃśāvalī*
NGMPP	*Nepal-German Manuscript Preservation Project*
VS	Vikrama Saṃvat

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The *Mālik* in Rāmānandī Documents of the 18th and 19th Centuries[1]

Monika Horstmann

1. Introduction

After the death of a head (*mahant*) of a Hindu monastic lineage, the succession to his position may become an issue of debate. Hindu ascetic lineages "do not owe allegiance to a monastery, but to a guru and through him to a lineage of spiritual succession" (Clémentin-Ojha 2006: 539). Succession is therefore based on a line of gurus and disciples and the sublines issuing from it. While Hindu ascetics typically do not observe *stabilitas loci* but keep moving from place to place, in this often following an established circuit, their stability rests in their spiritual genealogy. At the death of a *mahant*, then, two issues arise. One is that of rightful succession, the other is that of property. In whom does the authority over and ownership of property attached to a religious institution vest, and on whom will they devolve? Who is the legitimate owner (*mālik*)? Both issues usually do, but need not, fuse.

A similar problem arises at the death of the custodian of a deity (*adhikārī*)[2] represented by a temple icon. Custodians are not necessarily

1 This paper is based on field research conducted with support from the Deutsche Forschungsgemeinschaft in winter 1999–2000. Special thanks go to Mahant Lakṣmaṇānandjī of Bālānand Maṭh, Jaipur, who allowed me to document his archive.

2 The shift of authority from a *mālik* to a *pujārī* was often set in motion by deflecting the flow of grants and other donations from the *mahant* and *mālik* to a subordinate local *pujārī*. This need not have invariably been the result of a stratagem on the part of the former. For example, if a branch establishment of a *gaddī* was remote from the main seat, a trusted *pujārī* could be put in charge of the management of the estate and thus fulfil all the administrative functions vested in the *mālik* despite remaining accountable to him. Such was the case when in 1797 (BM Śrāvaṇa b. 4, VS 1854/13 July 1797) the Śekhāvat Rājā Lakṣmaṇsingh made a *bhog* grant (for sustaining the cult) to serve the temple deity Raghunāth of Lohārgal, for which see p. 405. The beneficiary of the grant

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members of monastic lineages. Whatever rights they have vest in the image of a deity worshipped in a shrine. Land and other assets of various kinds may be dedicated to the material requirements for worship of the deity, but underlying all of them is the idea that they are given for the benefit of the deity.[3] The case of a custodian's rights is in principle different from the issue of the succession to a *gaddī*[4], the "throne" of the head of a monastic lineage. As such, it should be marginal to the scope of this essay, but it comes nonetheless occasionally into focus where *mahant* and custodian are identical, or where a *mahant* has transferred his power to act as caretaker of the temple deity and manage the temple to a temple priest, who for his part cannot claim any right to the property of the estate or the status of heir-apparent to the *mahant*. Such cases occur, for example, if the various temples of a monastic lineage lie widely spread out over a region.

A host of documents addressing the issue has been preserved over the centuries in the archives of religious institutions. In the course of succession contests, genealogies have been produced to establish claims, lawsuits have been brought before courts, attestations of arbitration councils have been solicited by contesting parties, and expert opinions solicited by the judiciary.

The problem has also been relevant to the collection of, or exemption from, revenue, the collection or remission of arrears, and other fiscal aspects of religious property. The issue gained heightened visibility from the colonial period on. Revenue was a central concern in the dealings of princely states with the British colonial power, because in their treaties with the British these states had committed themselves to the payment of high tribute in exchange for protection.

This paper focuses on the kingdom of Jaipur, in the colonial period Jaipur State, and, within Jaipur, on the Rāmānandī Nāgās (see 1.1.). Jaipur became a British protectorate in 1818 (Vashishtha n.d.: 6). A number of the administrative changes that ensued are relevant for the present context:

was the *adhikārī* Dayārāmdās, the first cult-officiant of the Raghunāth temple, to whom Bālānand entrusted the *adhikār*, "custodianship". He thereby came to enjoy relative autonomy in the affairs of the Lohārgal temple. On *pujārīs* who exercise *adhikār*, see pp. 418–419. For synonymous terms, see ibid.

3 Charitable deeds for the worship of deities may also cover the honorarium of the custodian, but in such cases they tend to specify expenses for worship and the sustenance of the deity's officiant as separate items.

4 Variant spellings: *gādī*, *gadī*.

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1. In their treaty with Jaipur and other kingdoms of Rajputana, the British had promised non-interference in the internal affairs of the states. Under the first resident in Rajputana and commissioner, David Ochterlony, appointed in 1818, interference was, however, a prevalent strategy, and one that led to tension with the states. This intensified the debate on how the mutual understanding of non-interference could be adjusted to the need felt by the British to exercise some control.
2. In 1821, internal feuds in Jaipur during minority rule greatly disturbed the traditional system of administration. The British reacted by appointing a political agent of Jaipur, which marked the beginning of the Jaipur Agency (ibid.: 19). The position of political agent was delicate, for he had to balance the declared principle of non-interference in the internal affairs of the state and the necessity to inquire into local customs. The political agent assisted also in the administration of revenue (Bhansali 1993: 51). The office of political agent came to an end in 1830 when the supervision of affairs relating to Jaipur was transferred to the Superintendent and Political Agent, Ajmer, who was also the governor-general's agent for the States of Rajpootana and commissioner of Ajmer, abbreviated A.G.G. (ibid.: 21, 40).
3. In 1829, and actually effective from 1832, the Rajputana Agency came into being, and all its constituent states were brought under the single control of the British. The A.G.G. reported directly to the British Government. From 1836 on, the Rajputana Agency came under the control of the North West Provinces, at the beginning under an expert in matters pertaining to Rajputana, Charles Metcalfe, in his capacity as lieutenant-governor.
4. In 1842, the position of Superintendent of Ajmer and Merwara was established with C.G. Dixon as its first officeholder.[5] From 1848 on, Dixon communicated directly with the Lieutenant-Governor in matters of civil administration, and in 1853 he was finally made answerable to the Lieutenant-Governor alone. In section 2.2., a document drafted by Dixon in 1849 will be discussed.
5. In 1842, the first regular civil and criminal courts of Jaipur State, Adalat Diwani and Adalat Faujdari, respectively, were established.[6]

5 For details of these offices and their officeholders, see Sarda 1941: 238.
6 Bhansali 1993: 52 with n. 49, where "1889" is a typographical error.

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The slim corpus of documents discussed in this essay forms part of an archive along with a great number of similar ones preserved in the Bālānandī Maṭh of Jaipur, a seat of Rāmānandī Nāgās. The documents selected range from 1829 to 1893, with the exception of one document of the precolonial period. It is undated, but belongs to the period between 1778 and 1803, the regnal period of Mahārājā Pratāpsingh of Jaipur. It has been selected because it provides insight into continuities and discontinuities between the precolonial and colonial periods.

1.1. Rāmānandī Nāgās of Jaipur

All documents discussed here are pertinent, first of all, to the *mālik* of the Rāmānandī Nāgās of Jaipur, that is, the *mahant* sitting on the "throne" (*gaddī*) of their temple and monastery, called the Bālānand Maṭh and situated in the Purani Basti of Jaipur. Second, they pertain also to the position of *māliks* dependent on the Bālānand Maṭh as chief *gaddī* by reason of having been offshoots of it. The documents concern either court cases to which the incumbent of the chief *gaddī* was party or for which his expert opinion was solicited from the judiciary.

Around 1720, Vrijānand and his lineage of Rāmānandī Nāgās came from Vrindaban to Jainagar, officially named Savāī Jaipur in 1727, the new capital of the Kachvāhā kingdom of eastern Rajasthan. Rāmānandī Nāgās had existed in Vrindaban before Vrijānand. In Jaipur, his lineage of militant Vaiṣṇava monks (*nāgās*) rocketed to political and military power under his disciple Mahant Bālānand (r. 1752–1795) and plummeted with the arrival of the Pax Britannica. Bālānand commanded thousands of *nāgā* soldiers and also acted as diplomat on behalf of the Kachvāhā court (Horstmann forthcoming). His role on the political stage of his time is the reason why the Rāmānandī Nāgās of Jaipur are also called Bālānandīs. Around 1743, his guru Vrijānand built the huge temple with its adjoining *akhāṛā* ("wrestling ground", military station) of *nāgās* in Jaipur's Purani Basti, the deities of which attracted sumptuous revenue grants.[7] The temple represents the main seat (*gaddī*) of that Rāmānandī Nāgā lineage with its numerous offshoots, and its *mahant*, the incumbent of the *gaddī*, claims supreme discretionary authority in matters relating to that ramified lineage. Among the temples belonging to the Jaipur *gaddī* and figuring a number of times in the documents to

7 NP 3.10.1996.

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be discussed below are two temples at the pilgrimage site of Lohārgal in the Jhunjhunun district of Shekhawati in Rajasthan.[8] One is the Raghunāth temple, which is first mentioned in 1763, but was given its present expansive shape in 1776. The other is the Mālketu temple on the crest of a hill above Lohārgal, built by Mahant Sevānand (r. 1825–1842; d. 1877) in the period between 1850 and 1856 after he had abdicated.[9] According to their respective locations, the Raghunāth temple is also referred to as the "lower temple", and the Mālketu temple, as the "upper temple".

The temples under the authority of the Bālānandīs are all of the type known as "private temples" (*nijī mandir*).[10] They were built by an ancestor in the lineage of the *mahant*, which is why the authority over these is based on genealogy.

Under the treaty with the British, the monopoly on the use of force outside Jaipur State rested solely with the colonisers. This sounded the death knell for the Bālānandīs' power, and as a military order their fate was sealed in 1826, when they were disbanded in Bharatpur, a focal point of their activities during the Jāṭ wars of the late 18th century.

The Rāmānandī Nāgās formed part of the so-called "Four *sampradāyas*" (*catuḥsaṃpradāya*) of the Vaiṣṇavas. These orthodox Vaiṣṇava orders defined themselves as a confederacy of four orders, including sub-orders, namely, the Rāmānujīya-Rāmānandī [Rāmāvat], Nimbārka, Viṣṇusvāmī-Vallabha, and Mādhva-Gauḍīya *sampradāyas*.[11] As a corporate body that came to consensual decisions, the four orders had been evoked as an authority at the latest since the early 1720s (Horstmann 2009: 58). While their organisation may have been more or less loose otherwise, during the colonial period these orders fought for their rights as a confederacy, and they used the judiciary to enforce rules that were actually in a state of erosion. In colonial Rajputana, these four orders were recognised by the British as a corporate body, and they also bonded with other religious orders to reinforce claims.[12]

8 Situated at 27°40'19"N 75°23'16"E.
9 NP 29.10.1996.
10 See, for the distinction between the *mahants* of "private" and other temples, Mukherjea 1983: 347; and in greater detail and with an ethnographic focus on modern Rajasthan, Bouillier 2009: 47–50.
11 The term "Four *sampradāyas*" with reference to a corporate body of Vaiṣṇavas can be traced back to the turn of the 17th century. The boundaries between the orders were a much debated issue, for which see Horstmann 2009: 54–58.
12 See pp. 408–410, 413.

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2. The *Mālik* in Documentary Evidence

Crucial to the issue of authority and ownership in religious lineages is the notion of *mālikāī*, the status of being the master of a *gaddī*. Derived from "*mālik*", it is in its original Persian form "*milkiyat*", a common term of revenue administration. Its range of use has been studied by Irfan Habib (1963) who found it meaning proprietary rights over land, the right of the proprietor (*milkiyat*) being "nearly what in English would be called 'private property'" (1963: 112, 140). How the authority of the *mālik* was understood and explained at the request of the colonial judiciary forms the topic of this paper.

2.1. The Royal *Mālik*

The earliest document under consideration (see doc. 1 in the Appendix) represents the only one selected from the precolonial period. As has been mentioned, it serves as a bridge to the understanding of similar documents from the colonial period. It is a *vijñaptipatra*, a term paraphrased in the document by *maḥẓarnāma* (spelt *mahjarnāṃma*).[13] Both terms mean an attestation made by a group of people and bearing their signatures along with those of witnesses. The present *maḥẓarnāma* forms an attestation made by the council (*pāñc*) of Vaiṣṇava temples in the case of Tulsīdās, the hereditary custodian (*adhikārī, ṭahaluvā*) of the Bālmukund and Nṛtyagopāl temple at Laśkarī Kuñj in Vrindaban. During the period when the document was written, the temple housed two idols, namely, Nṛtyagopāljī and Bālmukundjī.[14] Disputing Tulsīdās's "authority" (*satā*), the custodian and temple priests (*pujārī*) of the Govinddev temple had accosted him violently. According to the sources in the possession of the Bālānand Maṭh,[15] Tulsīdās was a disciple of Bālānand. From Najaf Khān, *dīvān* of Shāh ʿĀlam and leader of the imperial troops in the Jāṭ disturbances (between 1773 and 1778), Tulsīdās had received an imperial order, *farmān*, covering the revenue of two villages in the Mahāvan revenue district of Mathura for the service (*bhog-rāg*) of the deity Nṛtyagopāl. This was a way of expressing recognition to Bālānand, who at the time was fighting on the side of

13 For this type of document and research on it, see Desai 1998.
14 These names appear in the *superscriptio* of the document.
15 Information gathered from Mahant Lakṣmaṇānand and digested by N.K. Pārīk (NP 26 Oct. 1996).

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the imperial army. From the *relatio*[16] of the document it becomes clear that the temple can be traced back to the regnal period of Mahārājā Biśansingh (r. 1689–1699). The Rāmānandī Nāgās had strongholds in Vrindaban and Govardhan. Mahant Vrijānand, who had shifted the order's centre of gravity to Jaipur, hailed from Mathura and retired to Vrindaban in 1752, the year of his death.

> ... 'Rām-Rām' from Vrindaban, from all well-wishing *gosvāmīs*,[17] *mahants*, and Vaiṣṇava officers[18] with blessings and in recollection of the personal deity to Śrī (7x) Mahārājādhirāj Śrī Savāī Pratāpsiṃhjī.... Reference: May it please [Your Majesty] to take notice of an attestation (*vijñaptipatra*). *Maḥzarnāma*: Previously, the predecessors of the custodian (*adhikārī*) Tulsīdās have always conducted the service (*sevā*) and worship (*pūjā*) of the deities [Bālmukundjī][19] and [Nṛtya-gopāljī]. These reside here in Vrindban in the Mahārājādhirāj's temple, and they were venerated by Your ancestors, Their late Majesties [Bisansingh]jī and [Jaisingh]jī, the Mājī Sāhibājī[20] and Pṛthvīsinghjī. He performs the first *bhog-rāg* (food and music for the deity), as is befitting.[21] He proclaims the praise of Your ancestors. When Brahman Vaiṣṇavas visit the temple, he receives them hospitably. He enhances Your fame. And he keeps saying, "I am the Lord's servant (*ṭahaluvā*), and His Majesty is the master (*mālik*)". We, too, have always seen and heard him acting in this way. Nonetheless, the custodian (*ṭahal(u)vā*) and the temple priests (*pujārīs*) of Śrī Govind[dev]jī have picked a quarrel with him. For one month they had the Muslims keep one of his Vaiṣṇavas[22] locked in. They said to him, "Give us written evidence that you are in power". He rejoined, "Who am I? I am only the servant of the Lord. The *mālik* authorised to

16 Diplomatic terms used *passim* are those used by Bresslau (1889). The indigenous terms were adopted from Persian, but they do not figure in the documents published here.
17 Custodians of Vaiṣṇava deities.
18 Managers of religious estates.
19 Here and *passim*: All names put in square brackets in the translations are carried over from the *superscriptio* of the documents.
20 Probably Kunanbāī Cuṇḍāvat, the queen dowager of Mahārājā Mādhosingh (r. 1750–1768), mother of Pṛthvīsingh and regent during his minority rule. Pṛthvīsingh died at the age of fifteen in 1778.
21 "[F]irst" refers to the first round of worship of the day.
22 A common designation of temple servants.

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> make written statements is His Majesty (Mahārādhirāj)". Then all of us formed an arbitration council (*pañc*), presented the case to the *āmil* (revenue collector),[23] and got the Vaiṣṇava temple priest released. For a whole month he had been locked in. This is something that ought not to have happened. Now this affair is up to the Mahārāj as master (*mālik*) to deal with. And the enclosure (*gher*) of Ratandās is mentioned as lying separate. There is only one enclosure here, and this belongs to Your Majesty, though it has different courtyards (*cauk*) that are separate. There is no enclosure besides this one. A plan of the enclosure has been sent to you. You may please check this. (Signatures of twenty-five Vaiṣṇava *mahants*, custodians, and managers of temples)[24]

The document shows clearly the distinction between ownership of a temple and other buildings and property in land belonging to it, on the one hand, and the rights of a custodian that vest in the idol or idols in the temple, on the other. The *pujārīs* are appointed by the custodian, though their office may also be hereditary and vest in a lineage. The document also shows that the dedication of land and buildings to the worship of deities does not imply that the dedicator gives up his proprietary rights. These may lie dormant, but can be reactivated. Especially a royal dedicator would have considered it his duty to protect buildings etc. given for purposes of worship.

In the present case, the *mālik* is a king. What is fundamentally relevant is not his royal status but the fact that he is an outsider and thus quite different from a *mahant* (the head of a monastic lineage and at the same time owner of a temple) or from a custodian of a deity.[25]

2.2. The *Mālik* of the *Gaddī*

It was mentioned above that the Four *sampradāyas* acted as a corporate body to enforce their rights, collective or particular to one of the orders. This has been discussed by Clémentin-Ojha (forthcoming) on the basis of a report issued by these and other orders in the year 1822. A similar document, dated 4 January 1829, was issued by the corporate body of

23 Persian terms are rendered according to their Hindi spellings in the documents.
24 BM n.d. This translation, like several others discussed below, represent only excerpts. For the full original text of the present one, see Appendix, doc. no. 1.
25 Further details of the document are discussed below, pp. 419–421.

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orders in the interest of the Rāmānandī Nāgā Sevānand, *mahant* of the Bālānand Maṭh of Jaipur from 1825 on.[26] Sevānand's title is *ācārya*, which means that he was the chief *mahant* of a monastic lineage with sublineages headed by local *mahants*. A comparison of the documents of 1822 and 1829 reveals that by the 1820s religious orders had not only bonded for concerted action but also drafted a form for their official written dealings with the judiciary. The declaration of 1829 reads:

> Mahant Māhārājjī Śrī Sevānandjī is *ācārya* in the Śrīmat-Rāmānuja *sampradāya*. His jurisdiction is authoritative for all members of his order (*bheṣdhārī*, "habit-bearers"). The jurisdiction has always been vested in this *gadī*. Therefore, according to the true tradition handed down from generation to generation, all the four Vaiṣṇava *sampradāyas*, the Daśnāmīs, the Yogī *panth*, the Jain *mārg*, and celibate members of orders (*bīramcārī bheṣdhārī*), the six systems of religion—in fact all [systems represented in the state]—have observed one and the same custom that the arbitration council (*pañcāyat*) speaks for its specific *gadī*, *ācārya*, *sampradāya*, or *mārg* and monitors the expenses and income of worship (*pūjā bheṭ karai*). An arbitration council (*pañcāyat*) of outsiders has no claim [to authority]. The claim vests in the consecrated master of the *gadī*. The members of orders everywhere—in the north, south, east, west up to the shore of the sea—exist dependent on *gadīs*. According to their rules of proper conduct they always deliver the [balance of] expenses and income of worship to the *gadīs*. The claim to all buildings and settlements accrues to the *gadīs*. They consider the master of the *gadī* the guru, who is equivalent to God. If someone violates the mode of proper conduct, the dharma is ruined.
>
> (One line illegible)
>
> A *gadī* cannot be shared. This has always been the rule of proper conduct. If someone violates this, he is dishonest. Accordingly, the Mahant Mahārāj made Kṛṣṇadās the master of the

26 In the period under review, the *mahants* of the Bālānandī Maṭh of Jaipur were Gambhīrānand (r. 1805–1825), Sevānand (r. 1825–1842; d. 1877), Rāmānand (1842–1859), Jñānānand/Gyānānand (1859–1885), Mādhavānand (1885–1906), and Rāmkṛṣṇānand (1906–1942).

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> building(s) at Pāhāsu Ḍībāī.[27] The *ācārya* of the *gadī* made him also the master of all buildings and settlements there. And if someone claims these, he is making false pretences. Accordingly, if after a year's time Sukhrāmdās claims the *ghāṭī* (valley/a landing place along a body of water), he will be doing [so under] false pretences. He will certainly not get it. Transgressing the norms set by *ācāryas*, *mahants*, *mārg*, proper conduct and sect, he will have lied. He will not get it. A true account has arrived in writing. Date: Māgha k. 2, VS 1885/22 January 1829.[28]

Thanks to the document of 1822, phrased in a similar form (Clémentin-Ojha forthcoming), both the standard form of declarations drafted by the corporate body of orders and the variations thereof can be easily defined. As compared with the document of 1822, this one emphasises that the corporate body in question consists exclusively of celibate ascetics (*bīramcārī bheṣdhārī*), a point relevant to the nature of the dispute that gave rise to the declaration. The exact circumstances of the dispute are unknown, but the emphasis on celibate ascetics suggests that the claimant of the Rāmānandī Nāgā *gaddī* of the unidentified place of Pahāsū Ḍībāī was not celibate. The *nāgā* origin of the place is pointed out by Mahant Sevānand, whose authority as *ācārya* was by that time already hollowed out, for soon after his installation as chief *mahant* in 1825 he formally dissolved his rapidly dispersing *nāgā* troops. It seems that Sevānand made his statement as party to a pending case and on the request of the court. In order to enforce his claim to a part of the property of the disputed religious estate, Sukhrāmdās apparently solicited an arbitration council unauthorised to arbitrate internal affairs of the monastic lineage. The duties of a genuine council of a *gaddī* are precisely defined, namely, speaking for the *gaddī*, *ācārya* and order, along with monitoring the accounts of worship expenses and income. Presently it will be seen that claims of authority and ownership over the property of religious lineages are quite typically underpinned by attestations of local arbitration councils whose legitimacy is controversial. The above declaration was signed by witnesses, most of whom were the representatives of religious orders. Some of these orders had also non-celibate branches, so that it was not immaterial that the document made the "celibate habit-bearers" (*bīramcārī bheṣdhārī*) its group

27 Pāhāṃsu in the Saharanpur District of Uttar Pradesh?
28 BM Māgha k. 2, VS 1885/4 January 1829; see Appendix, doc. no. 2.

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of reference. Sevānand's case was in any event supported by all the orders enumerated.

Both statements, one in the interest of the Nimbārkas (1822) and the other in that of the Rāmānandī Nāgā *mahant* Sevānand (1829), required a synchronisation of the opinions of the orders, which appear in the document as speaking with one voice. The judicial process and the negotiations among the orders prior to the drafting of a formal—and calligraphically scribed—declaration that was to be endorsed by the Jaipur judiciary and the religious leaders concerned is revealed by a file of documents from the year 1849:

(Section 1: Formal report and request)[29]
Report from Col. Dixon Sahib Bahadur, Superintendent of Ajmer, to the Mahantjī of the Rāmāvat Sampradāy; 16 August 1849.
Reference: There is a dispute between Balrāmdās Svāmī, Nāgā Santdāsot, and Gobindrām, Saṃjogī Santdāsot, over the position of *mahant* in the Sītārām temple in *qasbā* Kekṛī,[30] the *pūjā*, and the ownership. Concerning this, a law suit is pending with our Adālat Court, and it is necessary to inquire about this from the aforementioned *mahant*. Accordingly, a translated copy of the case protocol must be sent to the aforementioned *mahant*. After reading that case protocol, he shall write a rejoinder to it. He shall write what is befitting and send it.
CG Dixon

(Section 2: Identification of subject matter of section 3 and issuing authority)
Case protocol of the Court of the Superintendent of Ajmer, term of office of Col. Charles George Dixon Sahib Bahadur Superintendent; 13 August A.D. 1849.
(seal)
CG Dixon

29 Italic captions in brackets are added by the author.
30 At that time a kasba, now a city, in Ajmer district (25.97°N 75.15°E).

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(Section 3: Case protocol and ensuing queries of the Adālat Court)
Balrāmdās, Bairāgī Nāgā Santdāsot [...], resident of *qasbā* Kekṛī, as plaintiff
vs.
Gobinddās, Bairāgī Saṃjogī Santdāsot [, as accused]

for registration of the claim to *mahant*-ship of the *gādī* of the temple Sītārāmjī and ownership of the temple, shops etc.

Current state of the lawsuit: The temple of Sītārām in Kekṛī was built by Dvārkādās Svāmī Nāgā Santdāsot, and during his lifetime he was its owner. Upon his death his disciple Rāmdās succeeded to the *gādī*, and upon the death of him, Gobindrām Saṃjogī became owner of the temple. And now Balrāmdās, Svāmī Nāgā Santdāsot, on the grounds that a *saṃjogī* is not suitable for this, claims the *gādī* and the ownership of the temple [arguing] as follows: "This *nāgā* temple was built by Dvārkādās Santdāsot. After his death and according to the wish of Daulatrām, Mahant Santdāsot, Dvārkādās's disciple Rāmdās sat on the *gādī*. And there was no disciple of his (i.e. Rāmdās) following his death. In this situation it was the right of the *mahant*, in view of the close relationship of Saṃjogī Rāmdās with the Santdāsot Nāgās, to entrust the temple *pūjā* and ownership of the temple to the latter (i.e. the Santdāsot Nāgās) Accordingly Raghunāthdāsjī, *mahant* of the Santdāsots, in recognition of my close relationship with Rāmdās made me the owner and *pujārī* of the temple. He has had my ownership of the temple registered. And if Gobinddās, who has become owner of the temple by using force, calls himself a disciple of Rāmdās, he is telling a lie. And even if he is a disciple of Rāmdās, the *gādī* cannot go to him, for he is a *saṃjogī*. He has a family. The temple was, however, built by *nāgās*. A *saṃjogī* cannot sit on a *nāgā gādī*. Therefore, according to the decision of the *pañc* of *nāgās* and of Raghunāthdāsjī, who is the *mahant* of all *nāgājamāyats*, I am entitled to the throne and the ownership of the temple". End of statement.

And the rejoinder of Gobinddās is this: "During his *mahant*-ship Rāmdās supported my right to sit on the *gādī* and have ownership of the temple; and a certificate of adoption was made out

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[for me]. And this has been confirmed by Īmratrāmjī, Santdāsot *mahant* of the Gurdvārā of Dāntṛā,[31] who is *mahant* of *nāgās* and *saṃjogīs*. On the strength of all this, I sit on the *gādī* and have obtained ownership of the temple. Consequently, Balrāmdās is not entitled to any claim. And Rāmdās had made me his disciple and given me his promise". End of statement.

Consequently, the government has to examine two things: First, if it was lawful that Gobindrām sat on the *gādī* after Rāmdās or not, and if in a temple of *nāgās* a *saṃjogī* with a family can be the owner or not. Second, if Gobindrām was not really the owner of the *gādī* of Rāmdās, or, in case he was, if he had no right to this; conversely, if the claim and right now vest in Balrāmdās or not. It is befitting that the *mahants* of the four *sampradāyas* inform on these issues. An order has been given accordingly.

(Section 4: Request to the addressee, the "Rāmāvat mahant", to solicit statements from the Four Vaiṣṇava Orders)
A copy of the case protocol translated into Hindvi together with the report sheet in Hindvi may be sent to the Nimbārka, Mādhavācārya,[32] Viṣṇusvāmī and Rāmāvat *mahants* in their capacity of *mahants* and *māliks* of the Four *sampradāyas*. The four *mahants* may write their answers in this lawsuit as they find befitting. End of statement.
CG Dixon[33]

The first section of the document represents the Hindi report by Col. Dixon on a pending case relating to a *gaddī* in Kekṛī, Ajmer district.[34] The report, formally scribed in standard Nāgarī script, was to be sent along with the case report in Hindi translation and office script[35] to one *mahant* of the Rāmāvat order, the Rāmānandī Nāgā chief *mahant*, at that time Mahant Rāmānand of the Bālānand Maṭh of Jaipur.

31 In Ajmer district.
32 For "Mādhvācārya".
33 BM 16 August 1849; see Appendix, doc. no. 3a.
34 The office of A.G.G. conducted its work in three branches, English, Persian, and Hindi, each under its own Head Clerk, titled Mir Munshi and Pandit for the Persian and Hindi branches, respectively (Vashishtha n.d.: 64).
35 A regional form of Kaithī script. The term "office script" is more ad hoc than comprehensively descriptive. I mean to distinguish drafts that circulated in the office from formal papers addressing a third party. Kaithī script was also used for many other purposes, and notably for draft letters.

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The issue was that the *mahant*-ship of a *gaddī* established by celibate Rāmānandī Nāgās of the line of Santdāsots (tracing their origin to one Santdās) had gone to one Gobindrām Saṃjogī, the designation *saṃjogī* indicating that he was a sadhu living with a woman, and in this particular case with a woman and family.[36] Gobindrām is not a common name among Rāmānandī Nāgās, whose names typically end in *-dās*, and in a way the document reflects this anomaly by alternately naming the person Gobinddās and Gobindrām. The previous *mahant* was not survived by a celibate *nāgā*, let alone an heir-apparent to the *gaddī*. As Gobindrām asserts, he was selected because the deceased *mahant* had a close relationship with *saṃjogīs*, that he had been adopted by the *mahant*, and that a *mahant* of *nāgās* and *saṃjogīs* had confirmed his right to the *gaddī*. The name of that *mahant*, Īmratrām (Amṛtrām), and his dwelling place, a Gurdvārā, point to a temple of aniconic worship rather than one where iconic worship is performed. The Rāmānandī Nāgās, however—at least according to the norms emphasised by their leaders—conduct iconic worship of the Pāñcarātra type.[37] The origin of both Gobindrām and Īmratrām, then, must have been in either a milieu of *bairāgīs* of the aniconic Sant type or one accommodating sadhus of both iconic and aniconic persuasions. The iconic worship, practised by followers of the orthodox norms (*varṇāśramadharma*), would have retained caste distinctions, whereas the aniconic worship was open to all regardless of orthodox norms.

As for Balrāmdās, the celibate *nāgā* contestant, it is not reported how he suddenly turned up to oust Gobindrām and assume the position of a *svāmī*, the head of a monastic institution and lineage. He had been supported, he says, by one Raghunāthdās, a *saṃjogī-mahant*, who had him registered as successor to the *gaddī*.[38] In making this statement, Balrāmdās insinuates that Raghunāthdās was well aware of the distinct norms of *saṃjogīs* and celibate *nāgās*. Balrāmdās argues that a *nāgā-gaddī* cannot be occupied by a *saṃjogī*. If anything, the statements of the contestants demonstrate the mixed sadhu milieu where *nāgās* who perceived themselves as following orthodox ascetic norms coexisted with *saṃjogīs*.[39]

36 See section 2.5.
37 See p. 420.
38 Upon the death of a *mahant*, the succession needed to be officially sanctioned and registered, and succession (*mātmī*) dues paid ("Definition of Important Vernacular Terms" of 3 March 1938, section II, pp. 7–9. Daftar Dīvānī Hujurī, Rāj Savāī Jaypur, VS 199*, radīf ḍī, Rajasthan State Archives, Bikaner).
39 For these *saṃjogīs*, see section 2.5.

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Mahant Rāmānand duly acted as requested by Col. Dixon, circulating the court report and Dixon's request to his colleagues among the rest of the Four *sampradāyas*. To produce unanimity, he himself rephrased their replies to the court's questions. In this way the chorus of statements of the various orders was seamlessly harmonised.

> Śrī Rāmjī
> My "Jai Śrī Sītārāmjī" to you. Reference: From Ajmer a report of Agent Bahadur from the Government. In this it is written that Balrāmdās, Bairāgī Santdāsot, resident of Kekṛī, and Govinddās, Bairāgī Santdāsot, are fighting over who is to sit on the *gadī*. Regarding this lawsuit there arrived a case report from Col. Dixon Sahib Bahadur Superintendent Ajmer [that is being] directed to the Four *sampradāyas* in order to inquire into the state of affairs. This is sent [to you herewith]. Accordingly, the state of affairs is to be solicited from the *mahants* of the Four *sampradāyas* and sent. For this purpose the original case report of Dixon Sahib is being sent to you. Please duly ascertain the circumstances relating to this and describe the perennial tradition and norms of conduct of your *sampradāya*, phrasing this as an answer. Here is the answer: In our *sampradāya* has perennially prevailed the custom that if there is an establishment of celibate ascetics where there is a celibate disciple, this disciple will succeed to the *gadī*. And if there happens to be no disciple, a celibate ascetic closely related as brother and brother by shared relationship with the guru (i.e. as spiritual father) will be the incumbent. And if for one or two generations there is no brother or brother by shared relationship with the guru, a Vaiṣṇava from the same *sampradāya* as that of the *ācārya* will receive the responsibility and remain in charge. And even if there is a disciple, but this disciple becomes a *saṃjogī*, he shall be married within his own caste. He is not entitled to [take on] the responsibility for an establishment of celibate ascetics. In accordance with this custom, Balrāmdās Santdāsot is entitled to be given the responsibility.[40]

The essence of this is that if there is no suitable candidate for a *nāgā gaddī*, the *gaddī* will eventually devolve upon a Vaiṣṇava belonging to

40 BM n.d.; see Appendix, doc. no. 3b.

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the chief *mahant*'s—the *ācārya*'s—*sampradāya*. Most suitable is either someone of the same biological extended family or *gotra* or a fellow *celā*. Typically, the present *mahant* of the Bālānandīs, Lakṣmaṇānandjī, is a paternal nephew of his predecessor, and he himself, too, favours a paternal nephew of his as successor.[41] Accordingly, given the absence of a suitable celibate *celā* (initiated disciple), it would have been obligatory to look for a *nāgā* candidate from outside the sub-lineage of the *gaddī* of Kekṛī. Mahant Rāmānand did not deem it necessary to respond to the argument of Gobindrām that he had been adopted by the late *mahant*. Making disciples by adoption or buying children to make them disciples was a common practice.[42] However, Gobindrām's appeal on the basis of his status as son by adoption was of little relevance, for a valid candidate had to be or be made the *mahant*'s *celā*, regardless of his civil relationship with the *mahant*.

The following case proved to be traumatic for the Bālānandīs. It concerns the temples at Lohārgal, having started to cast a shadow over temple affairs in the 1860s and festering on into the 1890s.[43] Sevānand, the former *mahant* of the Bālānand Maṭh who had abdicated in 1842, builder of the Mālketu temple and manager of it and the Raghunāth temple of the Balānandīs at Lohārgal, was dead by mid-April 1877. From 1867 on at the latest, ten years before his death, the aged Sevānand is found reprimanding Ajodhyādās as managing *pujārī* (*mukhtyār*)[44] and his fellow *pujārīs* for neglecting their duties, and complaining about this to his successor Mahant Jñānānand.[45] In 1877, Jñānānand forced

41 The preference for recruiting *mahants* from the same family or *gotra* has been discussed by Clémentin-Ojha (2006: 555).

42 On making a younger brother of the deceased or a paternal nephew successor to the position of custodian of the deity in the tradition of the Gauḍīya Vaiṣṇavas, see Horstmann (1999: 353–355; also ibid.: 206–207) for the case of Gopīraman, a paternal nephew of the deceased custodian of Govinddevjī adopted into the line by the custodian's widow in order to be made successor of her husband. On the buying of disciples, an undated document (probably of 1857) in the BM archive concerns the case of a disciple bought for 60 Rs. by a *bheṣdhārī* woman in order to be made a *celā* and heir-apparent to the previous owner of a temple in Jaipur.

43 Ajodhyādās and Bhagavāndās are documented as usurpers of the temples as late as 1893 (doc. BM Mārgaśiras b. 13, VS 1950/21 December 1893, letter of Mahant Mādhavānand to Ṭhākur Syosingh of Sīkar, whose family had sustained the Bālānandī temples of Lohārgal from the beginning by revenue grants).

44 It is not clear from the documents if the custodianship that had been entrusted by Bālānand to the first *pujārī* of the Raghunāth temple of Lohārgal (see n. 2) had been extended to the Mālketu temple and had devolved upon Ajodhyādās.

45 BM Jyeṣṭha b. 13, VS 1924/31 May 1867, and Śrāvaṇa b. 12, VS 1935/26 July 1878.

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Ajodhyādās and the other temple priests to make the following affidavit, which was attested by six witnesses:

> May the Śrī (5x) 108 Śrī Guru Mahant Mahārāj Śrī [Jñānānand] acknowledge the prostration before him of Ajodhyādās, disciple of Vaiṣṇudās (Vaiṣṇavdās), Bhagavāndās and others.
>
> Reference: It is testified to Śrī Mahārājjī that the house built at the estate of Lohārgar (Lohārgal) belongs to Śrī Guru Mahant Mahārāj Śrī [Jñānānand]jī. The produce of its garden and [those] of the villages Sonāsar, Kharolī etc. serve as its sustenance. The goods and materials of offerings etc. that are given or taken away have always been the property of the *khālsā*. The incumbent of the *gadī* of the estate of Jaipur is its owner (*mālik*). The authority to check expenses and income and to grant deferral of payment has always vested only in the Mahārāj. Now it is our[46] duty to do service for the good of the building exactly in the same way on behalf of Śrī Guru Mahant Mahārāj Śrī [Jñānānand]jī as of the late Mahāraj. You, however, are the owner of the *gadī*. Your order will be fulfilled. We serve that place now exactly as we did as long as the late Mahārāj was alive. Accrued income we spend on the *bhog* of the deity and the *sadāvrat* (the kitchen providing food to visitors). And what you order beyond this, we will heed this respectfully. We will abide by your wish. If you wish to have something done through our service, we shall proceed according to your wish, for the building is yours. You may act as you wish. This building has always been the property of the *khālsā* of Lohāgarjī. You as the master of this building may order any service to be done. In no way can this be refused or objected to. The authority will vest only in you. We shall act as you wish. We are devoted to our master, and shall act according to the perennial tradition. We have written this out of our own free will. If we go back on this, we shall be acting against god Hari and the Guru, and shall have spoken untruth before the State Council (Rāj Pañc)[47] and British Government. Date: Mārgaśiras b. 10, VS 1934/30 November 1877.

46 Ajodhyādās is speaking for himself and his colleagues, but is the only signatory.
47 At that time, the Royal Council or State Council was the highest tribunal of Jaipur State and "presided over by the Ruler, who used to decide cases with the assistance of single Minister, styled as 'Musahib'" (Bhansali 1993: 56).

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Signed by Ajodhyādās, true as written

Attestations of Hardev Prohat (Purohit), Harīdās, Adhikarī Nāgrīdās; Khemdas, Adhikārī-Mukhiyā of Raivāsā; Adhikārī-Mukhiyā of the deity Śrī—jī[48]; Adhikārī Kamalādās (?) by order of Śrī Gusāījī of the deity Śrī—jī.[49]

The document confirms the absolute right of ownership of the *mahant* of the chief *gaddī* at Jaipur over these temples. As the State Council, the highest tribunal, is mentioned in the *sanctio* clause at the end of the document, it has to be concluded that the case had already been decided by the lower courts. It is not clear how the "British Government" fits in the context, for a decision of the State Council as highest tribunal was final. Was it conjured up to inspire confidence?

That *pujārīs*, temple priests, should try to usurp the ownership of a temple was not uncommon. Basically, a *pujārī*'s position is well defined and was confirmed many times by case decisions.[50] In a conversation with me, Mahant Lakṣmaṇānandjī of the Bālānand Maṭh put it laconically: "The *pujārī* is a servant/employee (*pujārī naukar hai*)". A *pujārī* may very well be entrusted with the managing functions of a *mukhtyār*. In a letter to Ajodhyādās, the outraged Mahant Jñānānand cracks down on him: "Why did you not conduct the management (*muktyārī*) [properly for the late Mahārāj Sevānand]. You are absolutely ignorant and act according to your whims!"[51] Ajodhyādās and his fellow *pujārīs* had been appointed by Sevānand at an unknown point in time. By the time Ajodhyādās's mismanagement is first mentioned in the documents (1867), he and the other temple priests had been appointed to the service of both Sevānand's Mālketu and Bālānand's Raghunāth temples. Dayārāmdās, the first *pujārī* of the Raghunāth temple, had been a *celā* of Bālānand himself and appointed by him. From Dayārāmdās descended a line of *celās*, meaning that the office of *pujārī* of the Raghunāth temple became hereditary. This lineage must have petered out, though, after which the *pujārīs* of the Mālketu temple were made additionally responsible for the Raghunāth temple. Ajodhyādās identifies himself as a *celā* of Vaiṣṇudās (Viṣṇavdās), and so was not in the

48 This and the following blank for the names of deities cannot be completed because the superscript (*sarnāma*) of the document is missing.
49 BM Mārgaśiras b. 10, VS 1934/30 November 1877; see Appendix, doc. no. 4.
50 Mukherjea 1983: 202, 5.1B.
51 BM Śrāvaṇa b. 12, VS 1935/26 July 1878.

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spiritual line of Sevānand. A *pujārī* may be entrusted with the *adhikār*, the power of decision in matters of temple management. Cases in point are the cosignatories of Ajodhyādās's above-cited affidavit. Among them, two held the position of *adhikārī* ("authorised"), and two that of *adhikārī-mukhiā* ("chief authorised") priest. One is the chief authorised priest of Raivāsā, the important Rāmrasik Rāmānandī seat. This kind of authority (*adhikār*) does not imply any proprietary right, even if it is hereditary by custom. In cases of misdemeanor, the holder of the position can be dismissed (Mukherjea 1983: 203).

2.3. The Duties of an Officeholder

While the functions of *mālik*, *mahant*, and *adhikārī* are to be distinguished, they may also fuse in one person. As owner of a temple built by himself or an ancestor, a *mālik* can also be both the chief (*mahant*) of a monastic lineage and the custodian (*adhikārī*) of the deity represented by the image in the temple. In section 2.1., the Vaiṣṇavas of Vrindaban are cited attesting the zeal with which the custodian Tulsīdās fulfilled his duties (*sevā*), which are enumerated. These duties have to be carried out to ensure continuity of worship. In fulfilling them, custodians are or may be assisted by temple priests. Service of the deity is the reason for the temple's existence. This duty is also incumbent on a *mahant*, who may of course delegate it to a greater or lesser extent to temple priests.

In the year 1878, the attorneys[52] of Mahant Jñānānand replied to the Office of Charities (*Kārkhānā punya*) of Jaipur State in the course of an investigation into the financial activities and assets of the Bālānand Maṭh. This investigation took place in the context of a recovery of arrears from the *gaddī*. The document gives evidence of the rapid decline of the fortunes of the Bālānandī Rāmānandī Nāgās. Jñānānand speaks of arrears of 14 or 15 thousand rupees. From his report it can be concluded that from the beginning of his term of office he had had to grapple with a load of debt that had accrued over three generations of predecessors, that is, since the term of office of Gambhīrānand (r. 1805–1825) and thus in part overlapping with the beginning of the colonial control of revenue collection and the end of the lineage's military and political power. In 1878, out of a total of 10,500 rupees of

52 The term *adikārī* (for *adhikārī*) is here used for a legal advisor, "attorney".

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current expenses for worship, *sadāvrat*, paraphernalia, maintenance, etc., 1,500 rupees alone were spent on the stable. This indicates an attempt to maintain a noble status despite actual loss of power. Clause 2 of the investigation and the *mahant*'s reply were,

> 2) And you wrote: "What kind of work do you do for the well-being of Śrī—jī (that is, the deity Sītārām)?" Here is the answer: Day and night, the only thing that I have in mind is the well-being of the deity. I have no other duty than this. Every day, two [... (illegible)] 4 *ghaṛīs* after sunrise, I make a muttered reading of the *Gītā*. Then I go to the temple of the deity Śrī — jī. I offer unguents, sandal paste, saffron, and flowers, remove the clothing and decoration and apply a new set [...], and then make a prostration before it and circumambulate it and make intense supplication for the abundant power of the deity's beneficence; and after serving the deity food, I arrange for the communal meal line for the Brahman Vaiṣṇavas. Each day I sing the praise of the deity's name, after which I and the servants of the deity (*sevag*)[53] take *prasād*, [standing] in the line of the deity's servants. At four *ghaṛīs* before the end of the day[54] a homily is given, and at sunset the [lay?] people of the estate, too, gather and sing, accompanied by cymbals and drums. After the evening ritual of lamp-waving (*sandhyā-āratī*) and the circumambulation, devotional singing (*bhajan*) takes place until four *ghaṛīs* of the night. Then the ritual of lamp-waving (*āratī*) at the last round of worship (*śyayan-bhog*) takes place. This is the procedure followed every day.[55]

In essence, the *mahant*-cum-*mālik* Jñānānand's representation does not differ from that made by the custodian Tulsīdās in the precolonial period (see section 2.1.). That Jñānānand replied in greater detail is perhaps due to the purpose of the investigation, namely, to ascertain if the charitable grants the *gaddī* enjoyed were being used properly. He must have also felt that the colonial authorities expected to be informed in detail of his actually quite ordinary ritual duties. That he points to his reading of the *Bhagavadgītā* may be similarly motivated. It may be

53 The term *sevag* usually means "servant, temple servant". In the above context, however, it probably denotes the devotees attached to a temple. See also p. 429.
54 A *ghaṛī* lasts 24 minutes. The day lasts from ca. 6 a.m. to 6 p.m., hence around 4:30 p.m.
55 BM Āśvina b. 2, VS 1935/23 September 1878.

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added that Jñānānand on his tours also checked on the habits of *gaddīs* that were offshoots of the Bālānandī *gaddī*.[56]

2.4. The Heir

The intent of the document of 1822, discussed by Clémentin-Ojha (forthcoming), was to set forth the rules of succession in the case of a disciple who had lapsed from the position but apparently now claimed the *gaddī*. As the documents show, the confederacy of orders took a position that they would uphold consistently.[57] Nonetheless, the issue was not put to rest by mere firm rhetoric, for celibate lineages, presented by the orders as neatly set off from non-celibate ones, actually lived in close contact or might coalesce with lineages of non-celibate *bairāgīs* (see 2.5.). A case in point is the one from the year 1849 discussed in section 2.2. In any event, the issue was investigated again and again by the judiciary, not out of ignorance of precedents but because each case displayed peculiarities of its own that called for examination of the particular customs of the religious institution involved. To cite a typical case,

> If the heir-apparent has not been designated by the *mahant*,
> 1. who decides that the candidate is a legitimate disciple?
> 2. what is the traditional procedure for making someone a disciple?
> 3. what steps in the procedure are followed at which time?
> 4. has it been certified in writing that a person has been accepted as a disciple?
> 5. would a four- or five-year-old disciple be given a mantra?[58]

Conflicts were clustered around two main issues:

1. No heir-apparent had been nominated and consecrated by the deceased incumbent or acclaimed by the monastic community and the authorised arbitration council.

56 See p. 430.
57 Almost identical with the position taken in the document of 1822 is that of Mahant Rāmkṛṣṇānand (r. 1906–1942) in his statement of opinion solicited by the deputy collector of Alwar in a case where no heir-apparent had been nominated by the *mahant*, now dead (BM, date only partly legible: VS 19**).
58 BM 15 February 1880.

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2. After his succession to the *gaddī*, the incumbent was found unsuitable—a charge made by a rival claimant and his party.

Both types of conflict were driven by the anxiety of celibate lineages lest non-celibate claimants intrude themselves. Only a *celā*, "disciple", was eligible to become heir-apparent and *mahant*. As the above-cited list of five questions reveals, certain steps had to be followed, such as his nomination by the incumbent *mahant*. A *celā* was, however, distinguished from other types of persons in the following of a *mahant* in that he was initiated. This is the reason why in the questionnaire above the last question concerns the age at which the *mantra* of initiation is given. The Bālānandī Nāgās' mantra consists of the six syllables *[oṁ] rāṁ rāmāya namaḥ*. Into the 20th century the initiation with the six-syllable mantra remained the decisive criterion for *mahant*-ship. In the Bālānand Maṭh's genealogy of *mahants*, the date of initiation is given for of each of them. In the Pāñcarātra ritual, the initiation comprises five rites (Skt. *pañca-saṃskāra*; a common Hindi equivalent is *pāñc kī kaṭorī*). One of the traditional ritual manuals for this recognised by the Bālānandīs is the *Rāmapaddhati*.[59] According to it,[60] the sequence in which the ritual is performed is

1. application of the Vaiṣṇava brow mark, in the case of Rāmānandī *nāgās* the white *ūrdhvapuṇḍra*, followed by a spell of meditation,
2. branding with the Vaiṣṇava conch-shell and lotus marks,
3. giving of a new Vaiṣṇava name (ending in *-ānand* in the case of the heir-apparent of the Bālānandī chief *gaddī*, and in *-dās* for all other lineages),
4. imparting the six-syllable *mantra*, and
5. adorning with a necklace of *tulsī*-beads.[61]

If a *mahant* dies without having named and initiated an heir-apparent, but the *sampradāya* (I take this as meaning the local representatives

59 I have in mind, in particular, the manuscript of the *Rāmapaddhati* of VS 1898/1841 CE, written for the use of the *pujārī* Rāmcaraṇdās. Ascribed to Rāmānuja, the text is one of the ritual manuals recognised by modern Rāmānandīs.

60 BM *Rāmapaddhati*, foll. 22b–23a.

61 The ritual prescriptions current in the Bālānandī Maṭh comprise the whole course of five rites (for a 20th-century printed manual, see Rāmcaraṇdās 1951), though the documents relating to them tend to focus rather on debates about the appropriate initiation mantra and thus the continuity of the line from guru to disciple.

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of the *sampradāya*) agrees on a suitable candidate, the latter needs to be initiated before he can be invested with the shawl and necklace of a new incumbent.[62] The decision of the *sampradāya* needs to be confirmed by its chief *mahant*.

Additional evidence to prove the legitimacy of a candidate was often produced by pointing out his role at the funeral of the late *mahant*. Analogous to the duty of a Hindu son, it was the duty of an heir-apparent to conduct the funeral of the deceased officeholder (Clémentin-Ojha forthcoming: 14). The significance of this is illustrated by a criminal case concerning a *gaddī* subservient to the *gaddī* of the Rāmānandīs of Galtā and communicated to the Bālānandī *mahant*: Gaṅgādās and Nārāyaṇdās, two disciples of Mahant Jānakīdās, now dead, fought over ownership of the temple.[63] The court inquired whose claim was valid. The Galtā Rāmānandīs replied:

> ... The reply to this is that Svāmī Jānakīdās was the previous owner of the temple. Then he died, and at the time of his death Gaṅgādās was absent, but then he came and informed the government (*rāj*). When the government entrusted the building to him, the whole *sampradāya* and the arbitration council of Vaiṣṇavas honoured him with a necklace and shawl. After this the *mālik* of the deity was Gaṅgādās and no one else. Then Nārāyaṇdās, a temple servant appointed to service,[64] removed him and forcibly made himself managing temple servant. Gaṅgādās brought the matter before the court. According [to what has been set forth] it is confirmed that in this lawsuit Jānakīdās's disciple has the rightful claim, and his legitimation is fully in accordance with the custom of the *sampradāya*, and the whole arbitration council of Vaiṣṇavas has honoured him with necklace and shawl, for *ṭahalvo*[65] and *mālik* are fully identical....[66]

Though this is not stated explicitly, Gaṅgādās seems to have fulfilled his duty to perform Jānakīdās's cremation.

62 On the investiture of a Nimbārka *mahant*, see Clémentin-Ojha 2006: 546.
63 The document has no *superscriptio*, so that the name of the temple cannot be identified. On the Rāmānandīs of Galtā, see Burghart 1978 and Horstmann 2002.
64 That is an ordinary *pujārī* and not an *adhikārī*.
65 For *ṭahalvo* as synonymous with *adhikārī*, see p. 406.
66 BM Pauṣa s. 13, VS 1913/8 January 1857.

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It was also incumbent on the heir-apparent to bear the expenses of the ritual of the twelfth day after the death of the deceased *mahant*, which act substantiated his claim. In one expert opinion given by the Bālānandī *mahant*, this is pointed out, and the—according to him false—claimant of the *gaddī* is described as someone who had come from the east, was of low caste (*kāchī jāti*) and had never before performed temple service or served in the temple kitchen. Such a person, it is emphasised, does not qualify as a disciple, he is a Śūdra and his claim rests on greed.[67]

As for the criteria imposed on an aspiring heir-apparent or successor, it may be added that prior to and into the British period the revenue collector (*āmil*) or his representative would exercise the administrative power of transferring proprietary rights to a candidate and would testify before him and the wider community that he was authorised to wield *adhikār*.[68] The new incumbent had to pay a succession fee that depended on his status as either ascetic or layman and on the assessed wealth of the *gaddī*.[69] The local Vaiṣṇava *pañc* and the representatives of the Vaiṣṇava *sampradāyas* would invest the new incumbent with the insignia of succession, namely, a ceremonial shawl and the Vaiṣṇava *tulsī*-necklace. The succession was confirmed by the supreme chief (*ācārya*) of the *sampradāya*. When such *ācāryas* were from the chief seats of religious orders or other similarly high-ranking *mahants* were present, the king himself would attend the investiture, or in the case of lower seats would be represented by his sword carried by a noble on his behalf. The necklace that the king gave on this occasion was a costly string of pearls. In the same way, the nobility that were related to the religious seat as donors of grants would recognise the new officeholder and thereby confirm him as successor to the benefits accruing from the deeds performed by their family in favour of the seat.[70]

A document of 1885 shows that the judiciary had established a routine form of investigation into similar cases:

67 BM, undated document from the period between ca. 1859 and 1885, and in all likelihood from 1881.

68 VRI/T2, VS 1796.

69 "Definition of Important Vernacular Terms" of 3 March 1938, section II. Daftar Dīvānī Hujurī, Rāj Savāī Jaypur, VS 199*, radīf ḍī, Rajasthan State Archives, Bikaner.

70 Examples of this in Horstmann 2001, *passim*; like other religious institutions, the Bālānandīs were anxious to maintain regular contact with the grantors of charitable deeds, as is reflected by the numerous letters from nobility to the Bālānandī *mahant* in which they acknowledge letters and the receipt of *prasād*.

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Who performed the cremation and paid for it?
Who received the shawl and necklace?
Who performed the procedure of making someone a disciple (*celā*), and what is the procedure followed in your *sampradāya*?[71]

2.5. Celibate vs. non-Celibate Candidates

In this essay, the conflict between celibate and non-celibate candidates appeared first in the case of Balrāmdās, Bairāgī Nāgā Santdāsot, vs. Gobindrām alias Gobinddās, Bairāgī Saṃjogī Santdāsot (section 2.2. above). These designations of the litigants are those given in the court protocol, so that it can be concluded that they identified themselves by them. Both were *bairāgīs* and belonged to the same lineage of Santdāsot, but they differed in that one was a *nāgā* (celibate ascetic) and the other a *saṃjogī* (non-celibate ascetic). Further down in the cited document, the *saṃjogī* Gobindrām/Gobinddās mentions that he was supported in his claim by a *mahant* over both *nāgās* and *saṃjogīs*, and also that he had been adopted by the deceased *mahant* whose vacant office he had had hoped to fill. It is, however, unclear if he was already a *saṃjogī* at the time of his adoption. A *saṃjogī* is defined as an ascetic living with a woman and potentially a family. The case of *nāgā* vs. *saṃjogī* reveals at the very least that the *saṃjogī*'s was a monastic lifestyle approved by some Rāmānandī lineages. The *saṃjogī*'s claim was vehemently contested by the *nāgā* plaintiff and the Bālānandī Nāgā *mahant*. The Bālānandī Nāgā *mahants* have always/generally been Brahmans. They uphold the ideal of the twice-born *nāgā*, regardless of the factual situation prevailing in various places. Mahant Rāmānand speaks of the possibility of someone slipping from the state of *nāgā* into that of *saṃjogī*,[72] that is, slipping from celibacy into an irregular sexual relationship. This, he explains, has to be redressed by having him marry within his caste, provided, of course, that he has retained his caste or that his caste status can be reactivated. A *saṃjogī* can therefore not be identified with the *gharbhārī* sadhus, who leave the second, *gṛhastha* stage of life to become sadhus but continue to live in their previous houses.[73] These figured as a perfectly legitimate category of sadhus in Hindu

71 BM Vaiśākha s. 8, VS 1942/22 April 1885.
72 See p. 415.
73 For a discussion of this, see Clémentin-Ojha forthcoming: 10.

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law.[74] Mahant Rāmānand clearly sees a *saṃjogī* as deviating from the *nāgā* ideal. In the case of Ajodhyādās, the usurping managing priest at Lohārgal, Mahant Jñānānand gave vent to his contempt of him. In a letter addressed to the arbitration council of Vaiṣṇavas, he served up an official report of Ajodhyādās's misdeeds.[75] Not only had the latter made the place a shambles and dispersed temple property, but he was also keeping "bad company with *saṃjogīs*". In a letter he wrote less than two weeks later to Ajodhyādās himself, Mahant Jñānānand castigates Ajodhyādās's notorious mismanagement and neglect of caste rules (*jāti pā[ṁ]ti*) at a site venerated throughout the region and whose temple was equivalent to the body of a Brahman[76]—a sanctuary where proper worship ought to have been conducted according to the Pāñcarātra ritual.[77] This was as much as to say that Ajodhyādās's guilt amounted to the murder of a Brahman.

There is one tradition, articulated in the *Bhaviṣyapurāṇa* in a passage presupposing the presence of Muslims and Rāmānandīs in Ayodhyā, and therefore probably not older than the 18th century, that sees in *saṃyogīs* (*saṃjogīs*) Rāmāvat sadhus who at one time had been forcibly converted from Hinduism to Islam and were reconverted Muslims.[78] This explanation is not resorted to in the material at hand, and it seems also too narrow to capture the widely spread phenomenon of sadhus living in a sexual relationship with a woman. The passage provides, however, a piece of interesting information: Rāmānandī *saṃjogīs* were not just lax *nāgās* but distinguished by a different sectarian brow mark in white and red, though the exact shape of this Vaiṣṇava mark (*tripuṇḍra*) is not described. The brow mark of Rāmānandī *nāgās* is completely white, *u*-shaped with a perpendicular line in the middle.

The occurrence of *saṃyogīs* was not limited to the Rāmānandī *sampradāya* or other Vaiṣṇava orders. In the first decade of the 19th century, Francis Buchanan observed Daśnāmī *saṃyogīs* in the Purnea district of north Bihar:

74 For Nepal, see Bouillier 1978.
75 BM Śrāvaṇa b. 1, VS 1935/15 July 1878.
76 This identification is not far-fetched, for conversely the body of a man with a Vaiṣṇava brow mark is a temple, while the brow mark itself is called the temple of Hari (BM *Rāmpaddhati*, n.d., fol. 26a).
77 BM Śrāvaṇa b. 12, VS 1935/26 July 1878.
78 Simh 1957: 65, quoting from *Bhaviṣyapurāṇa* 3.4.21: "These mlecchas were Vaiṣṇavas who had originated from Rāmānanda; known as *saṃyogīs*, they lived in Ayodhyā. They wear a Tulsi-necklace on their neck, their tongue was made to indulge in Rām, and the *tripuṇḍra* (the Rāmāvat sectarian mark) on their front was white and red".

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> Many of the Dasnami Sannyasis of this district have not been able to resist marriage, and their ten divisions have become exactly analogous to the Gotras of the Brahmans, no person marrying a girl of the same denomination as that of his father. These persons, on account of their yielding to the temptations of the flesh, are called *Sang-Yogis* [joined-*yogis*][79], but they call themselves Sannyasis, Gosaings, Atithi, and even Fakirs, which is a *Moslem* title.
>
> The Sang-Yogis are said to owe their origin to a pupil of Sangkaracharya, who could not resist the flesh, and married; but those whom I have consulted know nothing of their history.... They admit of concubines (*samodhs*). The Pandits say that they have no learning, but it is evident that the sacred order [celibate Dasnamis][80] views the Sang-yogis with considerable jealousy; and these fellows have indeed the impudence to bestow their blessing on the Brahmans, to which those here quietly submit, ...[81]

Pinch (2006: 200) links the phenomenon of "Sang-yogis" with the tantric, sexual yoga. This is facilitated by interpreting Buchanan's idiosyncratic rendering of the prefix "*saṃ-*/*sam-*" as "Sang-" as *saṅg*, "joined", actually "union". As for the Rāmānandī *saṃjogīs*, the documentary evidence is silent on any such substratum to their practices. In the 1849 case, the celibate plaintiff merely described a *saṃjogī* as a sadhu who had a family.

2.6. The Arbitration Council (*Pañc*, *Pañcāyat*)

The process of local *gaddīs* separating from their chief *gaddīs* is typified by a case that occupied the judiciary for at least sixteen years. Malavika Kasturi (2009: 1058) reviewed the case at some length, where the focus lay on "women [fighting] bitter legal battles over property to establish their rights and those of their offspring within the sampradaya concerned". The case sheds also light on the issue of non-celibate monks, as discussed, with an emphasis on *saṃjogīs*, in section 2.5. It concerns the fate of a *mahant*'s woman and offspring after his

79 Addition by Pinch 2006: 160.
80 Addition by Pinch 2006: 160.
81 Buchanan 1986: 269–270, quoted with some omissions from Pinch 2006: 160.

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death. The contestants, while not referring to the sexual relationship of a monk as sanctioned by the institution of *saṃjog*, do refer to other *bairāgī* customs: The late Mahant Jānakīdās of the Badrīnārāyaṇ temple in Mohalla Kisrol[82] of Muradabad had been succeeded by Sālagrām ("Saligram" in the court papers). Sālagrām was removed from the *gaddī* on grounds of "impropriety", and replaced by Gopāldās, a younger son of Jānakīdās, and placed under the guardianship of his mother (Raman Bai) and aunt. Witnesses were in doubt as to whether Gopāldās was the son of Jānakīdās or rather the offspring from a previous sexual relationship of his mother with some other *bairāgī*. To add to the confusion, Gopāldās is also reported as calling himself a "maternal grandson" of Jānakīdās.[83] A member of the local arbitration council

> that had removed Salig Ram as Mahant, deposed that Raman Bai was a Kayasth, and had been 'kept' by Janki Das. The latter, he averred, had contracted a *gandharva* marriage with her, as per the custom of *bairagis.* (Kasturi 2009: 1058 n. 80)

At the stage of the first appeal in the case to the Allahabad High Court, he had already stated that "it was optional for the mahants to be bachelors or 'enter the matrimonial state'" (Kasturi 2009: 1055 n. 64). Kasturi (2009: 1059) makes the point that Gopāldās's mother, who defined her position as that of the "lawful wife" of the deceased *mahant*, claimed her son's right on the basis of *bairāgī* custom. In August 1875, her claim was granted in a regular appeal to the Allahabad High Court.[84]

Whereas this and other cases reflect some of the various *bairāgī* customs of forming sexual bonds, as reviewed especially by Kasturi (2009) and Pinch (2006), in the particular case of the deposed Sālagrām the Bālānandī *gaddī* had a role to play, and the case by no means ended with the Allahabad High Court judgement of August 1875. The temple was an offshoot of the Bālānandī *gaddī*. In 1864, apparently after having been evicted from the *gaddī*, Sālagrām appealed to Mahant Jñānānand, who confirmed his *mahant*-ship:

82 Not "Karoli" (Kasturi 2009: 1058, n. 79).
83 See p. 430.
84 Allahabad High Court Judgement, 27 August 1875, in Saligram Das vs. Mussumat Sujanio, Regular Appeal 8/1875, AHCDCCRR (Kasturi 2009: 1059 n. 84).

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> Hail, to Śrī Mahant Sālagrāmdāsjī "Jay Śrī [Sītārāma]jī" from Śrī Guru Mahant Mahārāj Śrī [Jñānānand]jī. Reference: The Murādābād site was built by Caraṇdāsjī. Now you are (there) after nine generations of disciples. Therefore the ownership of the estate is yours, and no householder etc. has a claim [to it]. If someone makes a claim, he is doing [so under] false pretences. The estate is one of celibate ascetics. So it has always been. You will keep it [so]. Upon the death of Mahant Jānakīdāsjī, all *pañcs*, servants of the deity (*sevag*) and *mahants* acknowledged this ceremoniously, and I too acknowledged it ceremoniously. Date: Jyeṣṭha s. 5, VS 1921/9 June 1864.
>
> (address:) Mohalla Kisrol, house of Jānakīdās[85]

The fight over the *gaddī* here gains contour as a conflict between a chief *gaddī* of celibate Rāmānandī monks who has interceded on behalf of the celibate successor to a *de iure* but not *de facto* celibate sublineage of the chief *gaddī*, on the one hand, and the non-celibate constituency of that local *gaddī*, on the other. Factually, the line of Muradabad had ceased being celibate at some unknown point in time. The late Mahant Jānakīdās himself was non-celibate in ways hard to keep track of, but he had groomed two celibate disciples.[86] Sālagrām had survived both his fellow disciple and Mahant Jānakīdās, and he had been duly installed as successor. The claim of the minor Gopāldās's mother and aunt was supported by a local arbitration council. According to Mahant Jñānānand, this local council had revoked the confirmation of investiture of Sālagrām by the proper arbitration council, the servants of the temple (*sevag*),[87] and Jñānānand himself. Three months after the judgement handed down by the Allahabad High Court, the Bālānandī *mahant* appealed to the government, the result of which I have been to date unable to trace:

> Let it be known from Mahantjī Mahārāj Śrī [Gyānānd], incumbent of the chief seat, [namely,] the temple of Mahārāj Śrī [Bālānand], resident of Savāī Jaipur, officer of the Four *sampradāyas*, [writing] from the capital to the followers of the Four *sampradāyas* and the British Government, with reference to the following: The officer[88]

85 BM Jyeṣṭha s. 5, VS 1921/9 June 1864; see Appendix, doc. no. 5a.
86 See p. 430.
87 See p. 428, n. 84.
88 English word in the original.

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in the four *sampradāyas* is the monk who decides in case of a conflict in his particular order. The arbitration council (*pañcāyat*) of no party whatever has any authority to make a decision. The authority vests in me. In the four orders no one else besides me has the authority to decide who is capable of being *mahant*, or who is unqualified to be kept and should be removed. So if now in the lawsuit of Sālagrāmdās, disciple of Jānakīdāsjī of Murādābād, an arbitration council of five monks got together and with bias and hostility, and without informing me, acted against my wishes and out of hostility, this arbitration council is dismissed and abolished. Who are these monks that they hold an arbitration council, and what for? I am the officer. As Mahant Jānakīdās was a celibate ascetic, he had neither wife nor daughter's son. Gopāldās calls himself a "maternal grandson". In the first place, Jānakīdās had no wife; he was a celibate ascetic. And as for "maternal grandson", no brother, a brother's or sister's son, or maternal grandson has a claim as long as there is a disciple. Jānakīdās had two disciples (*cele*). One was Nārāyaṇdās, the other Sālagrām. Jānakīdās himself in his own lifetime installed Nārāyaṇdās on the *gādī*, and after Nārāyaṇdās Sālagrām sat on the *gādī* and was *mahant*, and for some years remained on the *gādī* and managed the affairs of the estate (*ṭhikāṇā*). And I went for *darśan* and pilgrimage to Śrī Badrīnārāyaṇ, and at that time stayed for a couple of days at the temple in Murādābād. At that time I saw Mahant Sālagrāmdās and personally made him *mahant*. He is conscientious; and I watched the behaviour of the people around him. I noticed no mismanagement. Therefore, that five monks got together, formed an arbitration council, and made Gopāldās *mahant* is totally illegal. It is illegal to give the temple to someone else as long as there is a disciple. Sālagrāmdās is *mahant* and suitable for the *gādī*. There is no fault in him. I have made Sālagrāmdās *mahant* [and] master of the temple and property and entitled him [to act as such]. It is necessary that he be installed on the *gādī* according to the rules that prevail among us. Sālagarāmdās is the *mahant*. The arbitration council consisting of outsiders who out of hostility made Gopāldās the *mahant* is dismissed. It has no right. No one has a right except Sālagrāmdās.

Date: Kārttika s. 9, VS 1932/7 November 1875.[89]

89 BM Kārttika s. 9, VS 1932/7 November 1875; see Appendix, doc. no. 5b.

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The Vaiṣṇavas and their confederate orders had consistently emphasised that councils had each to consist of members from their own order and could not be convoked against the will, or make decisions that would violate the will, of the *mahant* of the *gaddī* concerned or, in the case of his office being vacant, the chief *mahant* of the order or sub-order. The range of a *pañcāyat*'s rights was well circumscribed.[90] In the *maḥẓarnāma* drafted sometime in the period between 1778 and 1803 in Vrindaban, the attestations of the witnesses prove that all of these were representatives of Vaiṣṇava orders. This shows the coherence and exclusiveness of the assembly convoked. The administrative officers of Vrindaban acting as witnesses figure separately. These were the chief village officer (*mukadam*), local land revenue officers (*caudharī*), and the village accountant (*paṭvārī*).

An arbitration council formed by members of the order was present at and approved the investiture of a new incumbent of the *gaddī*.[91] Implicit to the document of 1829 is the notion that a contested claimant of the *gaddī* had been supported by an arbitration council extraneous to the Rāmānandī Nāga order. Similarly, in the conflict between Mahant Sālagrām and *bairāgīs* over the *gaddī* of the Badrīnārāyaṇ temple of Kisrol, Muradabad, the arbitration council formed by *bairāgīs* was declared illegitimate by the chief *mahant* at the Bālānandī Maṭh on the grounds that they were not authorised to meddle with the affairs of a *nāgā gaddī*.[92]

The interference of extraneous, and therefore unauthorised, local *pañcāyats* runs through most of the material discussed. This indicates that authority over *nāgā* institutions, claimed by local Rāmānandī Nāgā *mahants* or the chief *mahant* at Jaipur, had all but broken down. The case of Sālagrām of Kisrol offers especially blatant evidence for this: the *bāirāgī* claimants did not even bother to acknowledge that the temple was a *nāgā* institution.

90 See BM Māgha k. 2, VS 1885/4 January 1829, pp. 408–410; Appendix, doc. no. 2.
91 See BM Pauṣa s. 13, VS 1913/8 January 1857, p. 413.
92 See pp. 429–430.

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3. Conclusion

In her study of the Nimbārka document of 1822, Catherine Clémentin-Ojha relates the principles enunciated in that document as conforming to the rules of traditional Hindu law. Accordingly, she raises the unavoidable question:

> [W]hat was the point in reiterating these principles if they were well-known? Either they were totally unheard of in Jaipur.... Or, as I am inclined to think, the presence of the British made their implementation problematic. (Clémentin-Ojha forthcoming: 13)

In her conclusion of a detailed analysis, she says:

> It is all this that leads me to think that the necessity to leave a record of the state of things did respond to the presence of the British who as newcomers would not have been acquainted with them. (ibid.: 18)

Though the document she studied may not reveal this conspicuously, in looking back on it from the perspective of the 1829 document studied in this essay,[93] and given its caption "report, statement of facts", it must be concluded that it was indeed drafted precisely as a report solicited by the British during the legal dispute over the succession to the Nimbārka chief *gaddī* of Salemābād (Clémentin-Ojha forthcoming: 17). This, then, would mean that the case had been taken to the political agent of Jaipur State. The initiative to draft it would have come from the celibate Nimbārka *mahant* whose claim was contested by a candidate from a non-celibate lineage but endorsed by the confederacy of Vaiṣṇava and other orders. Dīvān Bairīsāl (Rāval Bairīsāl of Sāmod) put his seal at the head of the document. He was acting on behalf of the minor Mahārājā Jaisingh III and, in all but name, as adjunct regent of the Regent Mother.[94] As Dīvān Musāhib, he dispensed justice in the

93 See pp. 409–410

94 The reading and interpretation of the seal given by Clémentin-Ojha (forthcoming: 23 and 25, respectively), needs modification: *śrī rāmajī/śrī mhārājādhirāja/śrī savāī jayasiṃhajī/vande rāvala bairīsāl nāthāvata*, "Śrī Rāmajī—Rāval Bairisāl Nāthāvat, servant of Śrī Mahārājādhirāj Savāī Jaysiṃh (III; not a reference to Savāī Jaysiṃh/Jaysiṃh II, r. 1700–1743)". While *vande* does mean "I do homage", the word occurs in a position where one expects

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name of the ruler, who at that point in time still "exercised supreme civil and criminal jurisdiction".[95]

A number of the documents discussed above form examples of how the tradition of consensual decision making continued operating and was recognised as valid by the colonial judiciary.[96] With the exception of the one precolonial document, all of the documents indeed answer the need to explain the customs of the Rāmānandī Nāgās to the colonial power. In the process, the Bālānandī *mahant* again and again emphasised that a *nāgā mālik*, *mahant*, or *celā* must be celibate and of high caste, namely, a Brahman.[97] As long as the Bālānandī Nāgās had been actively militant and thereby flourished, there was no dearth of celibate disciples and, of course, a motley crowd of *bairāgīs* and soldiers. Once the material base of their prosperity, active militancy, had broken down, the Bālānandīs ceased attracting disciples. The Bālānandī temples and the chief *gaddī* itself were depleted of their wealth. In a state of degradation both of wealth and power, the *mahants* fought to guard their honour by defending the one prised possession left to them: their status as celibate *nāgās* of Brahman descent. They also hoped that proving their historical rights to temples by underpinning them genealogically would stem the tide of history itself. For this they eagerly solicited the help of the judiciary of the colonial dispensation.

either the word *sevaka* or *bandā*, "servant", and not a verb in the first person singular. For this reason, I suspect that *vande* is a mistake for *vandā*. For the Hindi seal of Pahāṛsiṅgh Khaṅgarvat, featuring *ba[]ndā*, see Horstmann (1999: 77), and for *sevaka* in the corresponding position, ibid., p. 79, (3) and (4).

95 Bansali 1993: 50; see also ibid.: 51.

96 See Appendix, doc. no. 1 for a precolonial document recording a consensual decision, and—for colonial documents—Appendix, doc. nos. 2 and 3 together with their formal antecedent of 1822 as discussed by Clémentin-Ojha (forthcoming).

97 This has been the preferred practice since the 18th century. In the *Rāmapaddhati*, fol. 25a (see n. 59), even a pure-hearted Caṇḍāla is mentioned as eligible to display the *tripuṇḍra*, "the temple of Hari".

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Appendix

Texts

Only a selection of the original texts quoted has been given in the Appendix.
In the main body of the texts, word separation and punctuation have been added.
Unless stated otherwise, the original line breaks have not been retained.
Underscoring indicates uncertain reading.
/.../ indicates additions added above the line.
Missing superscript vowel signs, metathesis, disaspiration of consonants, and missing or "misplaced" nasals are features of the original texts.

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1. BM n.d., regnal period of Mahārājā Pratāpsingh of Jaipur (r. 1778–1803)

Language: Hindi

॥श्री सीतारामजी
वालमुंकुंदजी
श्री नृतगोपालजी
विसनस्यंहजी
जैस्यंहजी

॥स्वस्ति श्रीमन् महाराजेषु राजाधिराज ऊग्रप्रतापमारतंडो दयवत् कुपथ धर्म्माधकारन् द्रावयमांनय श्री वृंदावननिकुंजगुंजपुंजेषु गौरस्यांमधांमभावनां निपुणवृजरजभक्तिभावक श्री श्री श्री श्री श्री श्री श्री महाराजाधिराज श्री प्रतापसिंहजीजोग्येषु श्रीधांम तें सुभवांछिक स्मस्त गुसाई महंत वैस्नव जिमीदारन कै प्रति पूर्वक आसीर्वाद ईस्ट स्मर्णपूर्वक रांम रांम यथाजोग्य वंचनी। अत्र आंनंद है। आप को आंनंद श्रीधांम मैं श्रीजी कै आगै सुभ वांछिते है। अप्रंचि। येक विग्यप्तिपत्र जानूगे।महजरनांमा आगैं आप के वडेरे महाराजाधिराज वैकुंठगांमी [विसनस्यंहजी] तथा म्हाराजाधिराज श्री वैकुंठगांमी श्री [जैस्यंहजी] तथा माजी साहिवजी श्री तथा प्रीथीस्यंह जी ईन सवन के मांथे कै श्री ठाकुर [वालमुंकुंदजी] तथा श्री ठाकुर [श्री नृतगोपालजी] ईहां श्री वृदावन मै श्री म्हाराजाधिराज के मंदर विराजै है। तिन की सेवा पूजा अधिकारी तुलसीदासजी के वडेरे सदा सूं करत आये हैं। जो पहैलो भोग राग है ताही मर्जाद मांफिक चलांयै ज्यां है। आप के बवडेरे[न] को नांम जस करै है। और व्रांम्हन वैस्नव मंदरन मैं आंवैं ता को स्तकार करै है। आप को सुज्स वढांवै है। और यह कहै है। हम तौ टहलुवा श्री ठाकुर जी के है और मालिक तौ श्री महाराजाधिराज है। सो यह सदा सूं हंम भी देषत सुंनत आये है। या मैं श्री गोव्यंदजी के टहैलुवा पूजारीन नैं ईन सूं टंटो कीयो। ईन को वैस्नव महीना येक तलक तुरकन कै घिराय दीयो। कही सता तुम हम कूं लिषि द्यो। ता पै ईन नै यह कही। हम कौन है। हम तौ ठाकुरजी के टहलुवा है। सता लिषवे के मालिक तो श्री म्हारजाधिराज है। तव ईन के पुजारी वैस्नऊ कूं तो हम सव पंचाय करि आंमिल कूं स्मझाय करि छुडाय लाये। मंहीनां येक ताई पुजारी घिरा रह्यो। से यह वात तो चाहिये न्ही। अव वात के मालिक श्री महराज्य है। और वह रतनदास को घेर न्यारो वतावै है। सो ईहां तो घेर है। सो श्री महाराजाधिराज को येक ही है। और चौक न्यारे न्यारे है। और दुसरो घेर कोई है न्ही। सो घेर को नंकसा है सो हजूरि मै भेज्यो है। सो आप देषि लीजेगो।

ऊगाही आ[....]
ऊगाही तेजा मोकदंम के
ऊगाही रामजी मुकदम की वगाही कासी मुकदम की
ऊगाही गुपल मुकदम की
ऊगाही वीद मुकदम की
ऊगाही प्रीया चौधहरी की
ऊगाही वीरजवासी चौधरी की
ऊगाही मोतीराम चौधरी की
ऊगाही कीसनदास पटवारी की

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(The following attestations are arranged in the left and right margins of the document; the original line breaks are not maintained.)

(left margin, from top to bottom)

- अत्र साछी श्री महंत रांमददांसजी परमारथी के
- साछी श्री विहारीजी के गौस्वामी उत्म[...]विनोदीलाल
- [आ]त्र साछी श्री [...]हुरी[...]जी के महंत हरी[दा]सजी विस्नुदासजी
- अत्र साछी श्री स्यांमसुंदरजी के महंत गोपालचरणजी
- अत्र साछी श्री राधारंवंणजी के गुसाई श्री जीवनलालजी श्री नंदलालजी
- अत्र साछी श्री रसिकबिहारीजी के महंत श्री स्वांमी गोवर्धनदासजी
- अत्र साछी श्री गलता के मुषिया सीतारांमजी
- अत्र साछी श्री राधादमोदरजी के टहलुवा कन्हरदास
- अत्र साछी मथुरादास दिल्प्रवरीजी के
- अत्र साछी वडी कुंज को मुंषीया चतुरदास
- अत्र साछी श्री मदनमोहनजी के टहलुवा दामोदरदास
- अत्र साछी श्री वीनोदीलालजी के नीमचरनदास
- अत्र साछी श्री गोपीनाथजी के टकहलुवा नंदन सिरकार

(right margin, from bottom to top)

- अत्र साछी दूल्हैरांम श्रीजी को मुंषिया
- अत्र साछी श्री नागाजी के मुंषिया लालदासजी
- अत्र साछी सेवग श्री म्हाराज्यके गोव्यंदराम
- अत्र साछी श्री मलूकजी के महंत जैरामदासजी
- अत्र साछी श्री जुगलकिसोरजी के गुसाई हठूलालजी
- अत्र साछी श्री विहारीजी के गु्सांई] मयानाथजी
- अत्र प्रमांण अत्र साछी श्री सिंगारवट के गोस्वांमी श्री निवानंदजी
- अत्र साछी दीनांनाथ गऊत्म
- अत्र साछी श्री व्यासजी के टहलुवा [..]जराजजी
- अत्र साछी श्री राधावलभजी के गोस्वांमी चतुरसिरोमंण लालजी
- अत्र साछी श्री गौस्वामी राधावलभजी क्रपासिंधुलालजी
- अत्र साछी सेवादास विस्नुस्वामी

2. BM Māgha k. 2, VS 1885/22 January 1829

Bilingual, Persian in the left and Hindi in the right column; an illegible English endorsement in the bottom left corner. The copy underlying the edited texts is difficult to read, for it represents a paper copy made from a print of a photo taken of the document, which was framed behind glass and stained.

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श्रीमत रामानुज संप्रदाय के आचार्य महंत माहाराज जी श्री सेवानंद जी है। ईन को कीयो न्याव सरब भेष म प्रमाण है। सदीव सु ई गदी न्याव होता आया है। सो सति परिपाटी परंमपरा मे सदामद संपरदाय च्यारि वैसन्वै समस्त वा दसनामी जोगी पंथ जैन मारिग वा बीरमचारी भेषधारी समस्त षट द्रसन सबन की ये ही रीत है अपणी गदी आचारज संप्रदाय मारिग मैं पंचायत पुकार पुजा भेट करै। ओरु की पंचायत का दावा नही। दावा गदी का टीकाई धणी का है। गदीन सु भेष सरबत्र उत्र दषिण पुरब पछिम समुद्र पर्यंत रहते है। गदीन कुं भेट पूजा माफिक मर्जाद हमेस पोहोचाते है। सब अस्थान मकान ऊपरि दावा गदीन का पोहोंचै है। गदी के मालिक कुं गुरु परमेसुर समतुल मानै है। ज्यो कोई गदी की मरजाद मेट करै तै धरम बिगडै।

(one line illegible due to a crease in the document)

गदी का बांटा होता नहीं। ऐसैं सदीव मरजाद चली आवै है। ज्यो कोई मेटन करै सो झुठा। ऐसैं ही मकान पाहा सुडीबाई का महंत म्हाराज नै कृष्णदास कू मालिक कीया। वाहां कै सब मकान अस्थान का आचारज्य गदी का नै भी मालिक करि दीया। ओर कोई दावा करै सो झुठा। ऐसैं ही सो व्रस्पीछ सुषरामदास ने दावा घाट का कीया। सो झुठा है। पवै न्ही ही। आचारज्यान महंतान मारिग मरजाद संप्रदाय सु बाहिर झुठा कीया। पावै न्ही। सत्य बारता लिषण म आई है। मिति माघ कृसन पषसि २ सवत १८८५

3a. BM 16 August 1849

Section 1 of the file of documents is written in a formal Nāgarī script; the rest in office script, a regional form of Kaithī. Gregorian date in the original. Language: Hindi.

॥श्री रांमजी[98]

(signature) CG Dixon

(Section 1: Formal report and request)

कैफीयत करनैल डिकसन साहब बाहाद्र सुपरंटीडट अज्मेर नाम म्हंतजी रामावत संप्रदा के ता० १६ अगसत १८४९ ई०। अप्रंचा बलरामदास स्वामी नागा संतदासोत अर गोबींदराम संजोगी संतदासोत के सीतारामजी का मंद्र कसबे केकडी के म्हंताई अर पुजा अर मालकी का झगडा हे अर मकदमा ईन का अदालत कचंहडी हमारी में दायर हे। अर पुछ ता सीरसते का म्हंत मजकुर सें जरुर हे। ईस वासते त्रजमा नकल रुबकारी ईस मुकदमे का पास म्हंत मजकुर के भेजा जावे। अर म्हंत मजकुर ईस रूबाकारी कुं बाच कर जवाब रूबकारी का ज्यो वाजब हौ लीष कर भेज देवे

(signature) CG Dixon

98 The document has a few Persian and English office endorsements, here ignored.

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(Section 2: Identification of the subject matter of section 3 and the issuing authority)
रुबकारी कचेरी सुपरंडंटी अजमैर जलुस मै करनैल चांरलस जारज डीगसन साहब ब्हादर सुपरंडंट की ता॰ १६ महीनां अगसत १८४९ ईसवी

(seal; Persian and Hindi; Hindi:
māhā kacaharī sāhab supa/raṃṭaṃḍaṃt bahādur jilai/ajmair san īsavī/ 1849)
(Persian endorsement)

(signature) CG Dixon

(Section 3: Case protocol and ensuing queries of the Adālat Court)
॥बलरांमदास बैरागी नागा संतदासोत भा[.....]
[...]वकीफ (?)
रहने [?का] कसब के क ऊ॰ ---- मुदई
॥गोबींदरांम बरागी संजोगी संतदासोत

(three short lines illegible)

दावा दषल पांने ऊपर गादी महंताई मंदर सीतारांमजी के ओर मालक होने मंदर वा दुकानो वागर ता के मंदर के वा बापोती की रुसं

॥हाल ईस मुकदमै का येह मंदर १ सीतारामजी का केकडी मै दबारकादास स्वांमी नागा संतदासोत नै बनांय्यां था॥ अर जनम जीवते तांई मालक रहा॥ जब व रामसरणं हुवा रामदास चेला ऊस का गादी बठा॥ अर ऊस के मरंने पीछै गोबींदराम संजोगी मालक मंदर का हुआ॥ अर अब संजोगी के नालक होने स बलरांमदास स्वांमी नागा संतदासोत दावा गादी बैठने अर मालक होने मंदर का ईस तर करता है॥ ये मंदर नागो का बनाय्यां हुवा दुवारकादास संतदासोत का है॥ ओर पीछै मरने ऊन के दोलतरांम महंत संतदासोत की मरजी स रामदास चेला दुवारकादास का गादी बैठा॥ अर पीछै मरने ऊस क कोई चेला ऊस का नै रहा॥ अबै महंत का अषतर्यार हे के नागो संतदासोत म संजोगी रांमदास के नजीकी होवै पुजा मंदर की अर मालकी ऊस कुं सोपै॥ सो रुघनाथदासजी महंत संतदासोतो के न मुज कुं रांमदास का नज़ीकी ज्यांन कै मालक ओर पुजारी मंदर का किय्या है॥ दषल मेरा मंदर मै कराय्या जावै॥ अर गोबींददास ज्यो जंबरदसती मालक हो गय्या है अर आप कुं चेला रांमदास का बतावै है झुट है॥ ओर चेला रांमदास का होवै तौ भी गादी ऊस कु न्ही पोछै कुक वो संजोगी है॥ कुटुम कबीला रषत रहै॥ अर मंदर बनाय्यां हुवा नागो का है॥ संजोगी नागो की गादी पर बैठ न्ही सकता॥ ईस लीये माफीक तजबीअ पंच नागो के ओर रुघनाथदासजी के जो महंत सब जमायत नांगो का है मुज कु गादी अर मालकी मंदर की पोचैती है॥ फकता॥ ओर जवाब गोबंददास का ये है के रांमदास महंती दफै वासते गादी बठने ओर मालकी मंदर के मुज कुं होव क हमरा थो॥ अर दसतावेज गोद लेणे की लिष दी थी॥ अर ईस बात कुं संतदासोत महंत ईमरतरांमजी गुरदवारे दांतड़े के जो महंत नागो अर संजोगयों के है ऊनो नै कायम रषा॥ ईस सब बस मे गादी बैठा अर मालकीयत मंदर की पाई॥ अब बलरांमदास का कुछ दावा न्हीं पोछैता॥ अरे रांमदासजी नै मुज कुं

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चेला अपना कर के बाव हमारा कर दीय्या थाफकता अब सरकार कुं दो बात तहकीक करनी हे। येक य्यां है क गादी बैठना गोबींदरांम का रामदास के पीछै वाजबी हुवा य्यां न्ही अर मंदर नागो मै संजोगी कबीलदार मालक हो सकता है य्यां न्ही। दुसरी जो गोबींदरांम असल मै मालक गादी रांमदास का न्ही /हुवा/ अर हुवा तो बेवाजब हुवा तो फेर अब दावा ओर हक बलरांमदास का है य्यां न्हीं। सो दरय्यांफत करणां ईस बातो का महंतो च्यांर संपरदा सै वाजब है। ईस वास[ते] हुकम हुवा।

(Section 4: Request to the addressee, the "Rāmāvat mahant", to solicit statements from the Four Vaiṣṇava Orders)

तरजमां नकल ईस रुबकारी का हीदवी मै हो कै सुधा परचे कैफयत हीदवी मैं पास महंत नीमारक वा माधवाचारज वा बीसनुस्वांमी रांमांवत चांरो संपरदा के महंत मालको के पास भेजी जावै। च्यांरु महंत जो वाजब जांन जवाब ईस मुकदेमे का लीषेाफकता।

(signature) CG Dixon

3b. BM n.d.

Related to 3a. Language: Ḍhūṇḍhārī.

॥श्री रांमजी

म्हां की जै श्री -----जी की बांचोगा। अपरंचा कफीयेत अजमरे सू अजंट वाहाद्र की राज्य कनां ये आई ती मे लीषी वलरांमदास बरागी संतदासोत रहणवाला केकड़ी का अर गोब्यंददास वरागी संतदासोत क गदी बठिबा को तकरार आपस मै छै। ती मुकदमां मै रूभकारी करनेल डीगसन साहिब वहाद्रु सीपरटुंट अजमेर का की वास्त पूछणे हवाल च्यारू संप्रदाये के आई। सो भेजी छै। सो च्यारू संप्रदाये का म्हंतां सू हवाल पूछि अर भेजीज्यो। ई वास्त असल रूभकारी डीगसन साहिव की आप क पासि भेजी अर लीष्यो जाये छै जो अहाल /ई का/ नीका समजि सनांतन की राहा मरियाद मूजिब आप की संप्रदाये के अन सूवार द्र जबाब लीष भेजोला। सो ई को जवाब यो छै। म्हां की संप्रदाये में तो सनांतन सू या राहा छै नीहंग का सथान होये ज्या मे नीहंग चेलो होये सो ही गादी बठ अर कदाचित् चेलो न्ही होये तो भाई गूर भाई नजीकी नीहंग होये सो बठा वा० भाई गूर भाई येक दोये पीढी में न्ही होये तो जी संप्रदाये को बैसनू होये जी का आचारजि होये जें को दायीयो पोंच व राष जो ही रहा ओर चेलो भी होये अर संजोगी हो जाये वा अपणी जाति मैं व्याह करि ले तो नीहंग का सथांन में दायीया न्ही पोंचा या रीत सें तो दायीयो वलरांमदास संतदासोत को पो[च]

CC-0. Nepal Sanskrit Academy, Kathmandu Collection

4. BM Mārgaśiras b. 10, VS 1934/30 November 1877

Top lines with *superscriptio* missing and left margin cropped. Language: Ḍhūṇḍhārī.

...]री श्री श्री श्री श्री १०८ श्री गुरु म्हंत म्हाराज्य श्री ---- की हजुरी म वैष्णुदा-
स] का चेला अज्योध्यादास भगवानदास उगर की साष्टांग दंडोत मालिम होय
आ]प्रंचि श्री म्हाराजी की हजुरी म लिष दीनी ज्यो श्री लोहागरजी को स्था-
न] वणायो हुवो घरु श्री गुरु म्हंत म्हाराज्य श्री ---- को छै। जीनी वगीच वा (crease in paper)
बा]ग १ वा मोजे सोनासर षरोलि उगर की जीवका छै। /च/ड्यो उतर्यो भेट उग-
र] को माल सवाव छै सो सदीव सु षालसाई छै। ज्यो जपुर क स्थान गदी वठै-
ण]वालो मालिक छै आवंदी षरच भालिवे तरफी म्हाराजी क इकत्यार
...] सदैव सु हि। अबै वडा म्हारा (!) श्री गरु म्हंत म्हाराजी श्री ---- तरफ म
...] कीसु यो मकान तालिक म्हां कैं वदगी करिवा न कैर छै। सो आप गदी का
मा]लीक छो। कह्यो आप को होसी। अबै जै तह वडा म्हाराज्य बीराज्या छै जी
...]र तो उठा की सेवा वही करै छै। आवंदी आव सो श्री जी का भोग सदावरत
मे लगावै छै। और पाछै आप को हुकम होसी सो माथ राषिस्या। मरजी मुजिबै रह-
स्या। ज्यो आप म्हा सु वंदगी करास्यो तो मरजी /मुजीव चालि/वार चाला तो मकान आप को
छै। जी चाव सो करो।यो मकान सैदैव सु श्री लोहारगरजी को षालसा को छै।
ई मकान मै जीसु धणी वंदगी करावो सोई कर उजर कोई भी न्ही। येक हुक-
म आप को [...] रहसी। आप की मरजी होसी सो करस्या। म्हे तो स्यामषोर गदी
का छा। और आमनाय सदैव की छै जी माफिक चालिस्या। या लिषावटी म्हा
की राजी कुसी सु लिषी। ई म फीरा फिरावा तो श्री हरि गुरु सु वेमुष राज पंच
अंगरेजी सीरकार म झुठा। मीती मगसर वदी १० संमत १९३४ का----
दसकत अजोध्यादास का माफीक लीषै सरो----
दसकत हरदेव प्रोहत का कह्यो अजोध्यादासजी क लीषी----
साष १ हरीदास की कह्या अजोध्यादास क लीषी

साष १ अधिकारी
नागरीदास की कहो
अजोद्या/दा/सजी क करी

साषी रवासा सुथान का अद-
कारी मषीया की कहे
अजोद्या-
दासजी क करी षेमदासजी

द० अधकारयान /मुषिया/
ठाकुरजी
श्री ---- जी का कहा
अजोध्या-
दासजी की करी
स्याष १ ठाकुरजी श्रि ----जी
का अधीकारी कमलादास
की हुकु श्री गौसाईजी का
षहा अजुध्यदास का लीषी
की करी

CC-0. Nepal Sanskrit Academy, Kathmandu Collection

5a. BM Jyeṣṭha s. 5, VS 1921/9 June 1864

Draft letter, no *superscriptio*. Language: Hindi.

॥श्री

स्वस्ति श्री महंत सलगरामदासजी जोग्य श्री गुरु महंत महाराजि श्री ----जी के जय श्री ----जी की बंचज्यो। अप्रंचि। मुकाम मुरादाबादा म सथांन चरणदासजी बाध्यौ। अब उन के सीस्य नव पीढी पीछै तुम हो। सो वा सथान म मालकीयत तुमारी है। ओर कीसी ग्रहस्त वगहर का दावा नही। जो कोई दावा करसी सो झुठा है। ये सथांन नीहंग का है। सदीवा सो ये ही रहा। तुम रषौ। मरणे महंत जानकीदासजी के पीछै सब पंचुन वा सेवगुन महंतां ई का सिसटाचार तुमारां कीया। सो महे बी थां को सीसटाचार कीयो। मीती जेठ सु० ५ संबत १९२१

कीसरोल का महोला जानकीदासजी को मकान

5b. BM HL 313, Kārttika s. 9, VS 1932/7 November 1875

Language: Hindi.

श्री रामजी बंदरीनारायनजी

ग्यानानंदजी बालानंदजी

तरफ महंतजी म्हाराज श्री ----- सद्रनसीन मंद्र म्हाराज श्री ---- साकिन सवाई ज्योपुर्अफसर चारुं संपङदा की सुं म्हापुर सों चारुं सपङदाय आहाल्यां/न/ सरकार अंगरेज़ी को मालुम हो। अपरंचा ये फकीर चारुं संपङदा मैं अफसर ह जो ईस भेक मैं किसी तोर का झगङा हो ऊस का फसला यू फकीर करता ह। ओर कीस कुं पचायत य फसले करन का अषतयार न्ही है हम कुं अषत्यार ह। जो महंत लायक हो उस कुं रषना नालायक हो उस कु दुर करने का ये अषत्यार चारुं भेक मै स किसी कुं नही सिवा हमारे। ओर अब जो पंचायत मुकदमे सालगरामदास चेल महंत जानकीदासजी मुरादआबादवाले की पांच मुरतीन मिल कर रियायत व अदावत स बे ईतला हमारे करी षलाफ मरजी हमारे व अदावत स करी य पंचायत मनसुष व रद ह। कीस वासते ये फकीर कोन हैं जो पंचायत करैं। हम अफसर हैं। क्युंके महंत जानकीदास नहंग थे उन के ओरत न्ही थी ओर न कोई दोहयता था। गोपालदास षुद कुं नेवासा बतलाता ह। अवल तो जानकीदास के ओरत न थी। नहंग था। ओर जो नेवासा होगा तो चेले के होते भाई भतीजे भानजे व नवासे वगेरे का कुछ दावा न्ही। जानकीदास के दो चेले। १ तो नारायनदास दूसरा सालगरामदास। सो जानकीदास ने जीते जी अपने नारायनदास कु गादी पर बैठा दीया। और नारायनदास के पीछे सालगरामदास गादी बैठा ओर महंत हुवा ओर कई बरस गादी पर रहा ओर काम ठीकाणा का अनजाम दीया। ओर हम वासत दरसन व जातर श्री---- के गय जब मंदर मुरादआबाद मैं चार पांच दीन रह ओर महंत सालगरामदास को देषा ओर हम ने भी अपनी तरफ स महंत कीया। ओर तोर चलन ह सब दसतुर अपन गिरोह क देषा कोई बद चलन की न्ही देषी। ओर फकीर पांच मील कर व पंचायत कर के गोपालदास कुं महंत बना दीया ये बिलकुल बेजा ह। चेले होते दुसर कुं मदर दे देना ये बात बेजा ह। सालगरामदास महंत लायक गादी के है। ईस मैं कुछ कसुर न्ही ह। हम न सालगरामदास कुं महंत व मालक मंदर व जायदाद का कर के भज है। चाहीय के ईस कुं बदसतुर गादी पर बैठा देना चाहीय। हमारे गीरोह के मवाफिक

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सालगरामदास महंत हा जो ओरोन पचायत अदावत सु कर के गोपालदास कुं महंत कर दीया ये पंचायत मनसुष हा ईस का कुछ हक न्ही पोहंचता। सीवा सालगरामदास के कोई हकदार न्हि हा। मीती कातीक सुदी ९ स्वं० १९३२ का तारीष ९ नोवंबर सन १८७५ ईसवी

Abbreviations

A.G.G.	Governor-General's Agent for the States of Rajputana and Commissioner of Ajmer
b.	*badi* (lunar day in dark half of the month; synonym: *kṛṣṇā*)
BM	Bālānand Maṭh, archives
k.	*kṛṣṇā* (lunar day in dark half of the month; synonym: *badi*)
NP	"Nagar parikramā" (column by Nandkiśor Pārīk in the daily newspaper *Rājasthān Patrikā*, Jaipur edition)
s.	*sudi* (lunar day in the bright half of the month)
VRI/T2	Vrindaban Research Institute, Vaishnava temples, reel 2

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Ascetics in Administrative Affairs: Documents on the Central Overseers of Jogīs and Saṃnyāsīs in Nepal[1]

Christof Zotter

The ascetic as portrayed in Brahmanical literature, as in the ancient law books or in the later and more descriptive Saṃnyāsa-Upaniṣads, is a lone renouncer (often called a *saṃnyāsin*) who has given up worldly life and the ritual obligations of a householder in order to obtain liberation (*mokṣa*). He wears a loincloth made of cast-off clothing, wanders around to collect his food from (Brahmanical) households, maintains his celibacy and undertakes austerities. These practices are meant to purify him, and they are said to cause *tapas*, lit. "heat", a special power or energy that—according to cosmological accounts—was effective in the creative activities of the gods.

The lone but powerful *saṃnyāsin*, as he is found in such literature, is an ideal figure and a stereotype, if admittedly a very influential one. (Brahmanical) householders may refer to it when judging who is a true ascetic (and who is not),[2] and Hindu ascetics down to the present day at least the more orthodox ones, may project themselves into this image in order to link up to the ancient Vedic tradition. Probably there have been and still are people who come close to this ideal but, as Matthew Clark (2006: 27) in his monograph on the Saṃnyāsīs[3] of the Daśanāmī order aptly observes, these individuals have left little, if any, trace of

1 My thanks are to Véronique Bouillier for her comments on an earlier draft of this paper and to Philip Pierce for correcting the English.

2 Conformity to the traditional image of the *saṃnyāsin* or some other ideal of an ascetic is, however, not the sole criterion. Supernatural powers (*siddhis*) are often asked for as proof of genuineness (Zotter 2016a: 61).

3 In order to distinguish the ideal type *saṃnyāsin* (Skt.) from real-life ascetics of the Daśanāmī order, I use for the latter "Saṃnyāsī", the form commonly found in New Indo-Aryan languages (sometimes besides other spellings, such as Sannyāsī).

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themselves in history. Thus "[t]he true history of *saṃnyāsa* would be simply an almost empty account" (ibid.).

If one considers ascetics who have left traces, one is presented with a different, much more vibrant and multifaceted picture. One enters a world of diverse (and often competing) lineages and orders, each with its own form of communal life.[4] One may encounter wealthy monasteries or caste-like communities, in either case sometimes engaged in activities one might not expect.

Ascetics whose whereabouts are ascertainable are not automatically considered to be 'false'. The lone Brahmanical *saṃnyāsin* described above is not the only role model of 'true' ascetic prominence in India and Nepal. Tantric literature, for instance, knows of the ascetic *vīra*, or "hero", who performs complicated, often transgressive rituals and whose main concern is (as Sanderson 1985 has argued) not purity but power, whereas in the vernacular literature yet another type of true ascetic—which might be labelled "devotional"—prevails. Such "devotional ascetics" may be married (see e.g. Burghart 1983: 643) and may even continue to engage in their caste professions, but in their spiritual practice they are ready (or expected to be ready) to resist all worldly attachment in order to establish a personal relation with their deity.

These few examples should suffice to indicate that Indian asceticism is a complex phenomenon and not easily defined—and all the more complex because ascetical ideas of self-restraint suffuse the ritual world of Hindu householders, too.[5]

The main sources of the present paper are not ancient doctrinal texts or other literary genres but historical documents of a certain region and time, namely the Kingdom of Nepal in the 18th and 19th centuries, the formative period of the new state. The material examined here attests that at least some ascetics did leave traces in history, for all that they were thought of as living close to the ideal of a 'true' ascetic, which is, in real life, often a blend of the different types distinguished above,

4 For the notion of community amongst Hindu ascetics, see Zotter 2016b.

5 Building on this observation, Patrick Olivelle (2006) has suggested differentiating three levels or grades of asceticism and distinguishing what he calls "elite asceticism"—an extraordinary, more radical form of self-restraint practised by a small group of religious virtuosi—from a "root" and a "cultural asceticism", i.e. a more general form of self-control underlying human existence and the culture-specific exercise of it. This terminology is by way of emphasizing that "the ascetic is at the very root of the cultural, and it is this deep association with culture that gives the extraordinary forms of asceticism their extraordinary power over human society and over human imagination" (ibid.: 40); see also Zotter (2016b: 242) with further references.

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and—as hinted at—is associated with extraordinary, often supernatural powers. These powers play an important role in the interaction of ascetics and householders, but there are many more facets to their lives. The documents presented here substantiate how bureaucratisation enters the relations between ascetics and their own institutions, on the one hand, and the state, on the other. However, before taking up the documentary material it might be helpful to have a brief look at the different kinds of traces those extraordinary people left behind for posterity, and to describe the regional and temporal contexts of the documents to be discussed.

Traces Left Behind by Ascetics

Accounts of ascetics interacting with rulers have been a popular motif of legends and hagiographies down through the centuries. As religious and moral authorities, ascetics may chastise unjust kings,[6] but more often than not they entertain good relations with worldly powers. Taking the example of Bhagavantanātha, who will be the focus of much attention in the present paper, Véronique Bouillier speaks of this interaction as a symbiotic collaboration and a "process of mutual legitimation" (Bouillier 1991a: 151). Ascetics, wielders of otherworldly powers, advise kings in matters both spiritual and political, bless royals and their actions (family affairs, diplomacy, war campaigns etc.). In return, they may be granted enormous material wealth in the form of donations or else land for building temples or monasteries centred on the worship of their tutelary deities, the maintenance and ritual costs being covered in part by the produce of the land. Gifts allowed ascetics to establish institutions and thereby to perpetuate the spiritual lineages that constituted the backbone of their orders (see Zotter 2016b: 249f.). Such accumulated wealth and estates also provided other freedoms for the donees or their successors. The money could be reinvested, the land rented out to tenants, etc. There were many ways that ascetics became involved, sometimes deeply, in administrative affairs.

Abbots of rich monasteries, functioning as bankers, lent money not only to tenants (who could not pay their allotted share of the crop) but

6 E.g. Kīnārāma, a prominent Aghorī saint travelling through North India in the 17th and 18th centuries, is said to have encountered several rulers of his time and, depending on their behaviour, either blessed or cursed them; see Zotter 2016a: esp. 62.

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also to kings and princes.[7] It is, for instance, known that in the conflict between Pṛthvīnārāyaṇa Śāha, the king of Gorkha, and the Malla kings of the Kathmandu Valley, the rich Gosāĩs[8] of Bhaktapur, at least temporarily, financed both sides.[9]

By tradition ascetics of the different orders not only wandered from one pilgrimage site to another, they also established and maintained institutions there and collected fees from other pilgrims.[10] In fact, it is not a rare instance that pilgrimage sites turned into arenas of rivalry among different lineages and orders.[11]

Ascetics also travelled as traders, using their capital and network of *maṭhas* ("monasteries"), especially for long-distance trading. During the 18th and 19th centuries trading ascetics seemingly were a common phenomenon in India[12] and in the Himalaya region.[13] Illustrative of this is the story of William Moorcroft and Captain William Hearsey who, in order to travel more freely through Nepal and visit Tibet, pretended to be *mahantas* ("abbots"), financing their pilgrimage to Lake Manasarovar by engaging in business on the way.[14]

Furthermore, ascetics travelled as dispensers and collectors of information. They not only entertained villagers in the localities they

7 See e.g. Sarkar n.d.: 278–280.

8 For the term, here given as written in the *Nepālī Bṛhat Śabdakośa* (Parājulī et al. 1995) but occurring in various spellings, see Clark 2006: 14. In Nepalese documents it is used as a title for members of all major ascetical traditions, i.e. the Nāthas, the Bairāgīs and the Daśanāmīs. The Gosāĩs of Bhaktapur mentioned above were Saṃnyāsīs belonging to the Daśanāmī order.

9 Bouillier 1991a: 161 n. 21; Clark 2006: 258; both based on D.R. Regmi 1975: 117, 119, 201; see also Baral 1964: 77 n. 7.

10 Captain Thomas Hardwicke reports from his visits of the *melā* in Haridvar in 1796 CE, for instance, that the "party of *Fakeers*, who prove themselves most powerful" collected "a very considerable sum" by levying taxes on pilgrims, cattle and "all species of merchandize" (Hardwicke 1801: 315; cf. Clark 2006: 63 and Lochtefeld 2008: 32).

11 For examples, see Clark 2006: 61–65; Lochtefeld 2008: 33; Farquhar 1925; Lorenzen 1978. For further references, see Zotter 2016b: 248 n. 65.

12 See e.g. Clark 2006: 256–262; Cohn 1964; Kolff 1971.

13 Alongside Newar and Muslim traders from Kashmir, the Gosāĩs played an important role in the trade passing through the Kathmandu Valley (see e.g. Acharya 1979: 49; M.C. Regmi 1979: 186). According to Markham (1876: 127) the Gosāĩs who "had formerly very extensive establishments in Nepal … were driven out of the kingdom" by Pṛthvīnārāyaṇa Śāha (see also Clarke 1998: 56). For evidence that the king of Gorkha, even after his conquest of the Valley, was on good terms with at least a few Gosāĩs, see M.C. Regmi 1978c.

14 Their guns wrapped in saffron cloth, they were accompanied by more than two dozen porters, an Afghan warrior and a pundit who was counting his steps in order to prepare maps of territories till then unknown to the British (see Moorcroft 1816: esp. 423, 515; Pant 1973: esp. 155f.).

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passed through with news from distant regions, but also worked as spies[15] and diplomats for the ruler in the capital.[16]

Finally, it should be mentioned that some ascetics travelled with weapons, and not just to protect themselves. They formed military units to defend the interests of their order, and in some cases some even hired themselves out as mercenary warriors. One of the most prominent examples in the discussion of the "fighting ascetics" (Farquhar 1925) or "warrior ascetics" (Lorenzen 1978; Pinch 2006) is the so called "Sannyasi-Fakir rebellion" in Bengal.[17] Nepal, too, was drawn into this affair. The bands of ascetics who almost annually intruded into Bengal during the last four decades of the 18th century habitually escaped persecution by entering Nepal's territory. To stop the raids, the officials of the East India Company repeatedly approached Pṛthvīnārāyaṇa Śāha who, more mindful of his own interests, attempted to negotiate the line of his southern border on this occasion.[18] Furthermore, there are indications that ascetics were involved in military activities further north, in the Himalaya region.[19]

These different spheres of ascetics' activities often appear interlinked[20] and are all indicative of their complex interaction with worldly powers. For Nepal, pioneering research on this topic has been done by Richard Burghart and Véronique Bouillier, but much of the material on ascetics stored in Nepalese archives has not been studied yet.

Based on at least partly new documentary findings, the present paper will add some details to the still fragmentary picture of the past of ascetics in Nepal by looking at two series of documents, both regarding the appointment of the central overseer of an ascetic tradition by the king. Given the content of the material presented, the focus will be less on the activities of the ascetics themselves. Nonetheless, the traces

15 This motif is already found in Kauṭilya's *Arthaśāstra*; see e.g. Clark 2006: 11; Pinch 2006: 46.

16 A prominent example is "Purungir", the guide of George Bogle (and other British travellers) on his way to Tibet. He was mediating in the negotiation of a trade treaty between British Bengal and Tibet, and later travelled all the way to Peking to visit the Chinese emperor (for references, see Clarke 1998: 65f.).

17 See e.g. Clark 2006: 251–256; Ghosh 2010 [1930]; Pinch 2006: 82–101.

18 Stiller 1989: 51–52; Naraharinātha 1966: 6–7.

19 For the enlistment of ascetics in a military conflict in Kumaon, see Clark 2006: 248. Another battle involving 500 "naked" (*nāga*) ascetics, supposedly disciples of an ascetic known as Bastī Bairāgī or Gulābarāma, took place in 1763 CE in Sāgā, a village on the perimeter of the Kathmandu Valley (see e.g. Ācārya 1972: 165; Baral 1964: 234f.; Clark 2006: 248). The background to and details of this event, however, remain obscure.

20 Clark, for instance, speaks of a "very thin line … between tax-collection, dacoity, and money-lending" (2006: 257).

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left by them in historical paperwork can enhance our understanding of how ascetics appeared in the affairs of a kingdom in the making, how they interacted with an evolving administrative apparatus, and how arrangements made between the spiritual and worldly powers underwent historical change.

Bhagavantanātha and the *Maṇḍalāi* of Jogīs

Bhagavantanātha, or Śrī Gosāĩ Bhagavantanātha, as he is called in the documents, is an ascetic of the Nātha tradition who appeared on the scene in 1763 CE in the kingdom of Salyan, West Nepal, whereafter he went on to have a stellar career. Following typical narrative patterns, hagiographical accounts portray him as a *siddha*, a perfected being who impressed the rulers of his time by working miracles.[21] In the following two decades, he received land grants, not only from Kṛṣṇa Śāha, the king of Salyan, but also from the king of Chilli and the Nawab of Awadh, the latter of whom he supposedly met as the envoy of yet another king,[22] namely Pṛthvīnārāyaṇa Śāha, the expansionist ruler of Gorkha.[23]

As is known from the correspondence between the *siddha* and the Gorkhālī ruler, Bhagavantanātha became one of the most trusted political advisers of Pṛthvīnārāyaṇa.[24] He was active in the negotiations with the small states surrounding Pṛthvīnārāyaṇa's steadily growing realm,[25] and an important role was assigned to him in the conquest of Kirtipur,[26] a location of pivotal importance for the planned conquest of the Kathmandu Valley.[27]

21 Bouillier 1991a: 155 and 1991b: 7–8; Unbescheid 1980: 27–28.
22 Bouillier 1991a: 157 n. 19.
23 It was seemingly Śūrapratāpa, Pṛthvīnarāyaṇa's brother, who introduced Bhagavantanātha to the Gorkhālī ruler in 1763 CE—according to Baral (1964: 232) in Nuvakot, but according to Unbescheid (1980: 25 [referring to N.R. Panta et al. 1969: 1070]) in Gorkha. Hagiographic accounts tell a different story (see Bouillier 1991a: 155; 1991b: 9–10).
24 For the letters, see Acharya 1969; Baral 1964: 72–78, 339–343; Bouillier 1991b: 10, 13–15; Naraharinātha 1966: 6–7; N.R. Panta et al. 1969: 1085–1089; D.R. Regmi 1975: 12, 232–233, 236–237, 252, 266.
25 Bouillier 1991a: 155 and 1991b: 10; Unbescheid 1980: 27.
26 Baral 1964: 237; Bouillier 1991a: 155 and 1991b: 10f.; Unbescheid 1980: 25, 26.
27 See e.g. Stiller 1989: 30–34.

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Bhagavantanātha was rewarded with increased status. He was presented the royal insignia of the defeated king of Kirtipur,[28] which then were displayed in the annual procession of the Nāthas in Salyan during the Dasaĩ festival (Bouillier 1991a: 158). Furthermore, in 1770 CE, he was appointed by Pṛthvīnārāyaṇa as central overseer (*maṇḍalāi*) of Yogīs, or Jogīs, as the Nāthas are more often called in the Nepalese sources. According to Véronique Bouillier, this made him the "leader of the Nath community" (ibid.: 156).[29]

The text of this royal edict was published by Yogī Naraharinātha (1966: 459) and Naya Rāja Panta et al. (1969: 1069).[30] A copy is kept in the Guṭhī Saṃsthāna[31] (see Doc. 1 in the Appendix). Although the record presented here is an attested copy only, it reproduces a formal feature of the original *lālamohara* that is noteworthy, for it bears testimony to the high respect shown towards the ascetic by the king. The name of the addressee (Śrī Bhagavantanātha)[32] is not written, as usual, at the beginning of the main text just after the *praśasti* of the king[33] but, as in case of a deity or a member of the royal family, in the blank space above.[34]

The document offers the *maṇḍalāi* of the Jogīs "throughout our realm" and authorises the appointee to receive one *ānā* as yearly customary fee (*dastura*) from each household of a number of ethnic and professional groups (*jātas*)—namely the Mājhīs, Kumālas, Danuvāras, Darāis (text: *daroī*), Thārūs, Paharis, Kusaharis, Thāmīs, Hāyūs, Sunuvāras, Cepaṅs (text: *cevāṃga*), Julāhās, Kusles, and Nevārakumālas.[35] Furthermore, the

28 His banner (*niśāna*), sceptre (*āśā gurjā*), fly-whisk (*caurī paṅkha*), and drum (*nagāḍā*) along with slaves and even a daughter of the king were presented to him (Bouillier 1991b: 12; Unbescheid 1980: 25). It is also reported that Bhagavantanātha received the enormous sum of 125,000 rupees and became the *rājaguru* of Pṛthvīnārāyaṇa (for references, see ibid.).

29 See also Bouillier 1991b: 12, 15. Similarly, N.R. Panta et al. (1969: 1069) write concerning the document in question: *yasamā bhagavantanāthalāī pṛthvīnārāyaṇa śāhakā adhīnakā sārā pradeśakā jogīharūkā nāike banāidieko kurā pareko cha.*

30 For an English translation based on Naraharinātha's edition, see Bouillier 1991b: 11f.; for a German summary, see Unbescheid 1980: 26.

31 No. 10, po. no. 15 Gu. Bam., microfilmed by the NGMPP as K 469/9.

32 In the letters where his full title is used, his name (Śrīmad Bhagavantanātha) is prefixed by five Śrīs, while the king uses only three Śrīs for himself (Naraharinātha 1966: 6).

33 See e.g. the royal orders addressing officials (Docs. 3 and 4 in the Appendix) and the documents regarding the appointment of Raṃjīta Giri (Docs. 5–8).

34 Bouillier (1991b: 15) errs in this detail. Cf. the *lālamohara* by King Pratāpasiṃha (Doc. 2 in the Appendix).

35 These groups are of rather low caste status, and most of them, according to the classification of the *Mulukī Ain* of 1854 (70 years later), "enslavable

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king orders them to feed [the Jogīs] mornings and evenings[36] and assigns to Bhagavantanātha both the judiciary fines (*daṇḍakuṇḍa*) paid by Jogīs for illicit sexual behaviour (text: *khatchītko*)[37] and their escheated property (*moro aputālī*), that is, the property of Jogīs who die heirless.[38]

In discussing the *manamahanta*, the central overseer of the Bairāgīs and other Vaiṣṇavas in Nepal, Richard Burghart (1984: 167, 174) argues that the issue of escheated property was in fact one of the two reasons why the office of the central overseer was created. The king, who gave land in the form of *kuśa* (in documents often *kusa*) *birtā* as a religious gift (*dāna*) to ascetics, had to ensure "that defunct *kusa birtā* rights did not lapse to the state" (ibid.: 174).[39] According to Burghart, it is only in the Rāṇā period that this attitude changed.[40]

The second issue invoked by Burghart as a reason for the installations of central overseers is related to the administration of justice, as is evident in the above document. As Bouillier stresses, the royal order of Pṛthvīnārāyaṇa not only provides Bhagavantanātha the right to keep the mentioned judiciary revenues[41] but also "gives him judicial author-

alcohol-drinkers" (see Höfer 2004: 115, 117–120). Another common characteristic, at least of the ethnic groups mentioned, is that they retained a customary form of communal landownership known as *kipaṭa* (see M.C. Regmi 1976: 7, 88 and *passim*). In N.R. Panta et al. (1969: 1070) it is commented that—with the exception of some (higher-ranking) groups (mentioned are the Bāhuns, Chetrīs, Guruṅs, Magars, and Tāmāṅs)—the households of all other subjects had to pay the annual *dastura* to the *maṇḍalāi* (see also the commentary of D.R. Panta [1968: 35] on a later document touching on the same subject [Doc. 2, see below]). For a complaint of the Mājhīs in 1838 CE (VS 1894 Māgha) which the administration reacted to by exempting them from unpaid labour services and the "Jogi-mandali levy", see M.C. Regmi 1978b: 95f. (referring to RRC 34, pp. 516f.).

36 According to Bouillier (1991b: 11) and Unbescheid (1980: 26) this burden was laid upon the aforementioned *jātas*.

37 On the term *khatchit* or *khatachita*, see Gaborieau 1977: 253 n. 59. The follow-up documents do not use the genitive marker *-ko* after *khat(a)chit(a)*. There the corresponding passage could be therefore understood as "[levies collected relating to] *khatchit*, *daṇḍakuṇḍa* ..." (cf. M.R. Pant 2002: 80, 88). Furthermore, they add other categories of levies (see below). In later records, not edited here, the term *cākacākuī* is repeatedly mentioned along with the word under discussion (see e.g. Naraharinātha 1966: 456f.).

38 On escheat in Nepalese law, see Fezas 1986; on the term *moḍ/moro/maryo aputālī*, see ibid.: 171.

39 For the non-reciprocal character of *dāna*, see Bouillier 1998: 228f. and the discussion in Michaels 2004: 68–72.

40 Discussing a letter from King Pṛthvī to the *manamahanta* issued in VS 1943 (1886 CE), Burghart speaks of "a complete *volte face* in government policy" (1984: 174), in that now the *manamahanta* became the "assurance that the Government would not lose any potential source of revenue from the ascetics with whom it had a tenurial relationship" (ibid.; see also Bouillier 1991a: 163f. n. 27).

41 For the administration of justice as a source of income, see Bouillier 1998: 229f. (with reference to Stiller 1976: 179f.).

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ity on the Yogis" (Bouillier 1991a: 156). Burghart argues that such a delegation of authority "was not based upon the king's respect for the spiritual status of Hindu renouncers" (Burghart 1984: 167) but rather follows the general policy of dividing the king's subjects into different "species" (*jāti*) whose members were expected to behave according to the customary law of their own "species" and deal with breaches of such law according to their customary procedures (ibid.). As will be touched upon below, in this respect, too, the situation changed during the Rāṇā rule as the government progressively interfered in the internal affairs of the ascetics. Their judicial autonomy under customary law did not prove open-ended.

With regard to the interaction of ascetics with the state administration, another detail of the *lālamohara* to Bhagavantanātha is of interest. The document mentions two types of officials who "shall arrange for [the money] to be paid" (*tīrāīdinu*); that is, they were to collect the mentioned *dastura* and see to it that what belonged to Bhagavantanātha as overseer was given to him.[42] The first official mentioned is the *dvāre* (text: *dvāryā*, *duvāryā*). According to M.C. Regmi (1971a: 126) the term denotes a local official who was responsible for the collection of revenue and the administration of justice "in the areas which did not command much military importance" (Regmi gives Lamjung, Manang and Salyan as examples), and who "was remunerated by a commission amounting to one-sixth of the total collection" (ibid.).[43] The second type of official involved in the collection of money for the *maṇḍalāi* is the *umarāu* (text: *ūmarāū*). At that time he would have been the commander of a military post (M.R. Pant 2002: 136) who raised and maintained his own troops (Edwards 1975: 107),[44] and, as seen in the document, exercised a function similar to that of a *dvāre* in the territory under his control. Thus, depending on the region, different types of officials were involved in collecting the overseer's share.

There are several follow-up documents which, on the one hand, attest that Bhagavantanātha remained in high repute after his patron Pṛthvīnārāyaṇa died in 1775 CE but, on the other, also indicate changes in the administrative treatment of the *maṇḍalāi*.

42 See N.R. Panta et al. 1969: 1070 and the commentary on a later document relating to the same issue (Doc. 2, below) by D.R. Panta 1968: 35.

43 The term *dvāre* was also used for the gatekeepers at the royal palace (see Edwards 1975: 106; M.C. Regmi 1971a: 226) and the village headmen in the Kathmandu Valley (see M.C. Regmi 1970: 149).

44 Later the word was also used as a general term for senior military commanders (Whelpton 1991: 287).

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In 1776 CE (VS 1833) Pṛthvīnārāyaṇa's son and successor, Pratāpasiṃha, reconfirmed the appointment of Bhagavantanātha as *maṇḍalāi* of the Jogīs through a *lālamohara* (see Doc. 2 in the Appendix).[45] Now, besides the *dvāre* and *umarāu*, another state official is mentioned and ordered to collect the *dastura* of one *ānā* from the aforementioned *jātas*;[46] namely the *amālidāra*, also known as *amāli* or *amālī*, a local functionary whose role "changed considerably over the years 1775–1839" (Stiller 1976: 70 n. 26).[47] According to the reconfirmation, he (not, as formerly, the *dvāres* and *umarāus*) was to arrange the payment of the *maṇḍalāi* in the way specified.

Another passage of this *lālamohara* contains still other new features. Besides the *khatchit*, *daṇḍakuṇḍa* and *moro aputāli* imposed upon Jogīs, now *mahākhatchit*(?)[48] and *ṭiko*(?)[49] are similarly mentioned. Furthermore, the document specifies that tenants of *bitalapa* land[50] should be also made to pay (the *dastura*), and finally it warns that "whoever obstructs [this arrangement] will be [considered] a rebel (*apsariyā*)", that is, will be fined.

When Pratāpasiṃha died in 1777 CE in the age of 26 years, after ruling for only 36 months, his two-year-old son Raṇabahādura was installed on the throne. This king, too, issued documents reconfirming the *maṇḍalāi* of Bhagavantanātha. The Guṭhī Saṃsthāna has a copy of one such royal order (*rukkā*) issued in 1782 CE (VS 1839), which has been edited and translated in the Appendix (Doc. 3).[51] It addresses "all *umarāus*, *dvāres* [and] *amālidāras* throughout our realm (*muluka*)" and informs them that

45 The original is kept in the National Archives (ms. no. 471) and was microfilmed by the NGMPP as DNA 14/50. An edition and Nepali summary is available in D.R. Panta 1968: 34f.

46 The text enumerates the same groups as the *lālamohara* of 1770 CE but in a slightly different order.

47 According to Vajracharya/Shrestha (1981: 18), the powers of the *umarāus* were early on curtailed in Dolakha by the Kantipur king Jagajjaya Malla. Pṛthvīnārāyaṇa in turn altered the administrative system by introducing the *amālīs* (as a replacement for the *pramānas*) and making the *dvāres* more active (ibid.: 20).

48 For a discussion of this term, see n. 91.

49 See n. 92.

50 *Bitalapa*, or *bitalaba*, is a land grant made by the state which obliges the beneficiary—the *bitalapyā* or *birtābitalapyā*—to work for the state when called upon to do so (M.R. Pant 2002: 132).

51 No. 9, Po. no. 15 Gu. Bam.; NGMPP K 469/8.

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like the Venerable Grandfather (i.e. Pṛthvīnārāyaṇa) and the Venerable Father (i.e. Pratāpasiṃha), we (i.e. Raṇabahādura), too, have offered the *maṇḍalāi* of Jogīs to the Venerable Bhagavantanātha.

The document contains the same information as the *lālamohara* of Pratāpasiṃha, but it specifies in addition that payment should be solicited from the *bitalapa* tenants by the *bitalapa* holder (*bitalapya*) himself. Finally, another *rukkā* with an almost identical text[52] was issued in Phālguna VS 1843 (February/March 1787 CE).[53]

According to Unbescheid (1980: 28) and Bouillier (1991a: 157; 1991b: 15) Bhagavantanātha took *samādhi* (i.e. passed away) that very same year, and the question arose what would become of the privileges assigned to him. While Unbescheid (1980: 28) considers the available document material too meagre to reconstruct the history of the cult in Dang Deukheri and argues that up to now one can speculate only on the basis of legend, Bouillier uses the documents published by Naraharinātha to sketch the later development of Bhagavantanātha's tradition in the region. She relates how, after some initial struggles, Bhagavantanātha's successors (Bhuvaneśvaranātha, Rūpanātha, Lokanātha etc.) managed to establish prosperous monastic institutions by gathering property, cultivating new land etc. (Bouillier 1991a: 159–163). But the same documents also substantiate that, later on, this process went into reverse and the influence of Bhagavantanātha's lineages declined (ibid.: 163–169).

Of special interest for the present context is a conflict that is addressed in a document issued in 1883 CE (VS 1940), inasmuch as it affected the *maṇḍalāi* and led to a splitting of the office and the related revenues. Khīmanātha from Rānāgāũ, a disputatious successor of Bhagavantanātha, was accused of debauchery by Haṃsanātha, the *mahanta* of the Mṛgasthalī monastery near Paśupatinātha temple in Deopatan. In order to settle the dispute between the two *mahantas* the prime minister, Raṇa Udīpa Siṃha, instructed that Khīmanātha and his successors should receive the *daṇḍakuṇḍa*, *moro aputāli* and the fines for illicit sexual relations (text: *cākha cakhui khatachīta*) from the householder (*gharabārī*) Jogīs in the kingdom, while Haṃsanātha,

52 The variants are discussed in notes to the translation of Doc. 3.
53 For the copy available in the Guṭhī Saṃsthāna (no. 11, in Po. no. 15 Gu. Bam.; NGMPP K 469/10), see Doc. 4 in the Appendix.

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addressed as Ramatā Pīra, was assigned the corresponding levies from the wandering (*ramatā*) Jogīs (ibid.: 166; Naraharinātha 1966: 456f.).[54]

This instance was only one sign of the decline of Bhagavantanātha's lineage, which paved the way for the Mṛgasthalī monastery to become the "leading power" of the Nātha tradition in Nepal (Bouillier 1991a: 167). At the beginning of the 20th century, Prime Minister Candra Śamśera Jaṅga Bahādura Rāṇā took advantage of an internal struggle over the succession in Śrīgāũ to expropriate *guṭhī* land belonging to the monastery and to appoint a *mahanta* of his choice, one untouched by the conflict (ibid.: 168).[55] The Rāṇā government thus interfered in the succession of abbots, a matter formerly settled autonomously according to the Jogīs' customary law.

One could, following Bouillier's approach, continue to reconstruct the life-history of Bhagavantanātha and the history of his monasteries and his *maṇḍalāi* by studying further documentary material.[56] There are still many open questions to be answered (e.g. what happened to the *dastura* after the split of the *maṇḍalāi*?). The present paper will instead compare the documents presented so far with another set of royal orders relating to the appointment of Raṃjīta Giri as central overseer of the Saṃnyāsīs in 1841 CE, just a few years before the rise of the Rāṇās to power.

The *Mahantamaṇḍalāi* of the Saṃnyāsīs

The Nāthas were not the only ascetical tradition with a central overseer appointed by the king. The *manamahanta* of the Bairāgīs and

54 Khīmanātha, who became the *mahanta* of Bhagavantanātha's monastery in Śrīgāũ, also quarrelled with Lakṣīmananātha Jogī, the *pūjārī* of the temple in Phalabang. Lakṣīmananātha complained that Khīmanātha had troubled guiltless Kānphaṭā and Kavara Jogīs, and furthermore that he had claimed to have the right to issue for Jogīs the *bhātako patiyā*, i.e. the certificate of caste re-admission. Khīmanātha lost the case and was from then on not allowed to exercise the office of *maṇḍalāi* in Phalabang (Bouillier 1991a: 164–166; Naraharinātha 1966: 450f.). Such release from the jurisdiction of a central overseer is also known in the case of *manamahantas* among the Vaiṣṇava sects (see Burghart 1976: 84; 1984: 173).

55 Bouillier (1991a: 168 n. 32) refers to Burghart (1976: 84f.), who tells of a very similar action taken by Candra Śamśera against the *manamahanta* in 1913 CE (VS 1970).

56 E.g. NGMPP K 468 and 469 contain some 40 records (including attested copies of royal edicts, letters, contracts etc.) relating to the affairs of the Siddha Bhagavantanātha Guṭhī and awaiting further study.

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other Vaiṣṇavas has already been mentioned. According to the available documents, this post was held, at least since the early 19th century (but probably even earlier),[57] by the abbot of Matihani, an influential Rāmānandī monastery in Mahottari District near the Indian border. Burghart (1984) has shown how different holders of this office adjusted their strategies to changes in the tenurial system in order to acquire further estates and how they abused their authority to appoint new *mahantas* to increase their own influence and wealth.[58] Such activities of the *manamahanta* caused a number of belligerent responses amongst the Rāmānandī ascetics under his jurisdiction. For instance, an alternative circle (*maṇḍalī*) was founded whose members got involved in an armed conflict with the private police forces of the *manamahanta* (ibid.: 173) and then appealed to the prime minister to be placed outside the jurisdiction of the central overseer (ibid.: 171); an attempt which was only temporarily successful (ibid.: 173).

Much less is known about the central overseer of the Saṃnyāsīs, the members of the Śaivite order of the "ten names" (*daśanāmī*). As proof that there was such an office, Burghart (1984: 178 n. 5) and Bouillier (1991a: 156 n. 14) refer to a document published by Naraharinātha (1956/57: 20f.). In contrast to the *lālamoharas* regarding the *maṇḍalāi* of Bhagavantanātha, this (appointment) letter (*patra*) to Jāmādāra Jogāra Bhārti, dated VS 1865, Māgha sudi 8, Monday (January 1809 CE), was not issued by the king but by a *sardāra*,[59] namely Pūraṇa Śāha. It grants the *maṇḍalāi* of "*sanyasi dasnāma*" for a certain part of the kingdom only, the region west of the Bherī and east of the Mahākālī. The addressee is not shown the same respect as Bhagavantanātha had been; instead he is repeatedly addressed—as any ordinary subject—with the middle grade honorific form *timī*. He is ordered to collect the "*khata pata*" (for *khatacita*?), *daidastura* and *daṇḍakuṇḍa* of the year VS 1866, present this revenue to the royal treasury (*toṣakhānā*) and take the *phārakha*, which means probably the "difference" or surplus compared to the sum stipulated beforehand (see below).

This *patra* is not the first document regarding the overseer of the Saṃnyāsīs, a person, who in other documents is often called

57 Burghart 1976: 83 and 1984: 167 and 170.

58 Burghart reports, for instance, that the *manamahanta* forcibly emptied monasteries and then appointed a new *mahanta* who was subservient to him and rewarded his appointment with an under-the-table payment (1976: 84 and 1984: 173).

59 On this high-ranking civil and military officer, see Edwards 1975: 105.

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mahantamaṇḍalāi (or °*maṇḍalī*) rather than *maṇḍalāi*.[60] I will concentrate here on the case of Raṃjīta Giri (or Girī), a Daśanāmī living in Byāsebhu Ṭola, Kathmandu, who was appointed as *mahantamaṇḍalāi* of the Saṃnyāsīs by King Rājendra in 1841 CE (VS 1898). I will thereby restrict myself to pointing out some fundamental differences to the documents discussed in the last section.

The National Archives in Kathmandu have four documents relating to the *mahantamaṇḍalāi* of Raṃjīta Giri, three royal orders (*rukkā*) and one edict containing the full *praśasti* of the king. One of the *rukkās*[61] informs officials throughout the kingdom east of the Sunakośī and west of the Mecī about the appointment, and orders them to collect the pertinent revenue (*rakamakalama*). It warns: "No one shall engage in anything in the way of favouritism, obstructive activity [or] altercation". Except for some orthographic variants the same order was sent to officials in the "Kathmandu Valley (text: *nepālakhalaṭā*), [i.e.] the city of Kathmandu, the city of Bhaktapur, the city of Patan etc."[62] and to officials "[in the region] east of the Trisūlagaṅgā and west of the Mecī".[63] In the case of the last-mentioned document (dated some days earlier than the other documents of the series) a photo of the backside, bearing a signature, is available, testifying that the matter was channelled through (*mārphat*) Kājī Abhimāna Siṃha Rānā.[64]

More information is available in the *lālamohara*, which addresses the appointee himself.[65] Like Bhagavantanātha, Raṃjīta Giri was granted the right to collect a customary fee (here called *daidastura*) from a number of ethnic groups as well as the escheated property and juridical fines of the members of his order. However, in a number of

60 M.C. Regmi (1971b: 131 with reference to RRC 25: 171), mentions e.g. an "Assignment of Mahanta Mandali Revenues to Mahanta Jayakrishan in Newly-Conquered Hill Areas, Ashadh Sudi 1, 1843", i.e. 1786 CE. In December 1800 CE (VS [1857], Pauṣa vadi 14) Mahanta Gaṃgāprasāda Gosāī was appointed as *mahantamaṇḍalāi* for the "whole country of ours" (see RRC 19: 25f.), etc.

61 NAK Ms. no. 368; filmed by the NGMPP as DNA 13/59; Doc. 5 in the Appendix.

62 NAK Ms. no. 568; NGMPP DNA 15/31; Doc. 6 in the Appendix.

63 NAK Ms. no. 725; NGMPP DNA 16/75; Doc. 7 in the Appendix.

64 The signee was an influential person at the court of Kathmandu. In a letter to the British governor (dated 1st August 1841, just a couple of days before the present document was issued), the British resident in Nepal, Brian H. Hodgson, refers to him as: "[h]ead of Ranas and in chief charge of the army and of the Causi" (quoted in Stiller 1981: 115). It was probably in his function as head of the government treasury (*kausī*)—an office he took over in January of the same year (ibid.: 75)—that he was authorised to follow through on the present royal order.

65 NAK Ms. no. 570; NGMPP DNA 15/33; Doc. 8 in the Appendix.

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details the two cases differ significantly. To start with some general differences: Pṛthvīnārāyaṇa granted the *maṇḍalāi* of the Jogīs explicitly for the "whole country of ours" (*hāmrā bhara mulukako*) which—as N.R. Panta et al. (1969: 1069f.) and Unbescheid (1980: 26) comment—extended from Gorkha to the Dūdhkośī at that time. The reconfirmations by Pṛthvīnārāyaṇa's successors, who continued the policy of expanding the kingdom, use the same phrase. Thus Bhagavantanātha had *carte blanche* of a sort for the still growing realm.[66] In the case of Raṃjīta Giri, 35 years after the end of the Anglo-Nepalese War and the resulting massive loss of territory to the East India Company, *rukkās* were sent to officials in certain named regions of the country. Compared to the above-mentioned *maṇḍalāi* of Jogāra Bhārti, which was granted only for a part of the kingdom in West Nepal,[67] the territory assigned to Raṃjīta Giri was much bigger, but it had defined borders[68] and was not extendable, unlike in Bhagavantanātha's case.

Pṛthvīnārāyaṇa's edict to Bhagavantanātha mentions the *umarāus* and *dvāres*. Pratāpasiṃha's reconfirmation adds the *amālidāras*, and finally Raṇabahādura also explicitly involves the *bitalapyās* in the collection of the money. The *rukkās* informing about the *mahantamaṇḍalāi* of Raṃjīta Giri address a much longer list of officials, ranging from the district governor (the *subbā*), different military ranks (*subedāra*, *jamādāra*) and different types of landholders (*birtāvāra*, *bitalapyā*, *chāpachapyālī* and *mohariyā*) to the local revenue officer, the *amālidāra*.[69] The administrative apparatus involved appears much more complex. There is some hierarchical arrangement in the order of the officers mentioned, but the long list does not reflect an unified administrative machinery. It is rather a symptom of the manifold different local settings in a time marked by "a series of experiments made in the field of revenue administration" (M.C. Regmi 1971a: 173). In

66 The same holds true for the *mahantamaṇḍalāi* of the Saṃnyāsīs granted in 1800 CE (see n. 60).

67 Note also the appointment of the *mahantamaṇḍalāi* for the "newly-conquered territories" mentioned by M.C. Regmi 1971b: 131 (cf. n. 60). On ascetics as "agents of diffusion of the Hindu culture and of the Hindu concept of kingship", see Bouillier 1991a: 169.

68 Note in particular the *lālamohara* appointing Raṃjīta Giri (Doc. 8) wherein the northern and southern borders are defined as well.

69 According to the *lālamohara* to Giri himself (Doc. 8 in Appendix) other officials, too, are involved in collecting the *daidastura*, e.g. the "*umyrālī*" (for *umarāu*?) or the *dvāre*. In the warning at the end of the document that no one should engage in favouritism, furthermore, *bhārādāras* (lit. "burden-bearer", a generic term for high-level functionaries) and *jāgiradāras* (a government employee who is remunerated for his services by the assignment of land) are mentioned.

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some territories the *subbā* was now responsible for the collection of revenues, in others a military officer or a landholder, and in yet others the *amālidāra*, or still the *umarāu* and *dvāre*.[70]

There are also differences regarding the *dastura* or *daidastura*, the customary fee of —in the case of the Jogīs—one *ānā* per household. The Giri documents do not specify any sum, but there are apparent overlaps as regards the people who had to pay the fee (or fees) for ascetics. The *lālamohara* to Raṃjīta Giri enumerates the same ethnic groups (with the exception that the Sunuvāras are missing) but makes no mention of three professional groups burdened with the levy for the Jogīs, namely the weavers, the Newar potters and the Kusles, a group of householder Jogīs who traditionally supported the Nāthas.[71] By contrast, the *mahantamaṇḍalāi* includes "the Saṃnyāsīs living amongst the 36 *jātas*" (*chatisai jātabhitra basnyā saṃnyāsi*), that is, householder Saṃnyāsīs.[72]

Like the *maṇḍalāi* of the Jogīs, the *mahantamaṇḍalāi* of the Saṃnyāsīs is assigned the judiciary fines and the escheated property of the members of his ascetic order, but again the two cases differ in details. The *lālamohara* to Giri mentions the *daṇḍakuṇḍa* and the *pañcakhat* (i.e. fines for heinous crimes), but says nothing about the *khatchit*.[73] Furthermore, it explicitly rules out houses and fields from the escheated property (*maryo aputāli*) falling to the *mahantamaṇḍalāi*. Thus Burghart's explanation regarding the original purpose of the office of central overseer (see p. 452) does not hold up here.

The most fundamental difference, however, still needs to be addressed. The *maṇḍalāi* granted to Bhagavantanātha was not only effective in the "whole country"; there was also no temporal limit specified. As seen above, it was in need of reconfirmation after a change to the country's or Jogīs' throne-holder (cf. Bouillier 1991a: 158). As in case of the *manamahanta* held for generations by the *mahanta* of Matihani, the early *maṇḍalāi* of Jogīs was seemingly given to a direct disciple after the death of the former holder of the office. It is not known who the successor of Raṃjīta Giri was, but the arrangement made in his case is obviously different. The *lālamohara* to Raṃjīta Giri grants him the *mahantamaṇḍalāi* for a period of one year only, from Vaiśākha vadi 1 to Caitra sudi 15 VS 1898. Furthermore, the privilege

70 Cf. Doc. 8.
71 See Bouillier 1991b: 19 n. 14.
72 On householder Saṃnyāsīs, see e.g. Bouillier 1985.
73 See n. 91.

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was based on a contract (*ijārā*); that is, Raṃjīta Giri, like any other contractor (*ijārādāra*), "made a stipulated payment to the government and appropriated any amount that he could raise in addition from the sources … assigned to him" (M.C. Regmi 1971a: 124). In the present case, 207½ rupees (including an increase of 20 rupees from the year VS 1897 on) had to be presented to the palace (see Doc. 8). According to M.C. Regmi (1975: 62, with reference to RRC 44: 97) in 1830 CE (VS 1887), a decade before the appointment of Giri, the "Jogi-Mandali levy", too, was based on a one-year *ijārā*.[74]

As M.C. Regmi argued elsewhere (1971a: 124–141, 173–175 and *passim*), the *ijārā* system was the government's favourite model for the organisation of revenue collection because it ensured a regular income stream, sometimes even coming as payment in advance. But along with this advantage, it also came with a built-in problem of massive proportions. Contractors who bought or won bids on[75] the right to collect taxes or other revenues for a short-term period usually tried to maximise their profit, and since the government did not have the means to control them, they had more or less a free hand. Complaints about overtaxation and reports that tenants escaped the oppression by leaving the country were frequent and forced the government to make modifications to the system of revenue collection, but these, as Regmi argues, were more stopgap measures than stable arrangements.

There are several indications that also in the case of the revenues for the different overseers of ascetics (whether granted as *ijārā* or not) the collection process did not always follow the rules. From the time of Pratāpasiṃha on the documents issued in this regard regularly contain warnings not to obstruct the royal order. In the case of the *lālamohara* to Raṃjīta Giri, not less than three sentences address the issue of favouritism (*hemāyeta*). The state reacted to such irregularities. A regulation (*bandobasta*) of 1806 CE (VS 1862) explicitly mentions amongst a number of other levies the revenue (*āmadanī*) of the *mahantamaṇḍalī* and defines the fines for misappropriation.[76] Examples

74 As in the case of Raṃjīta Giri, the order was promulgated for different parts of the country. According to M.C. Regmi's abstract the appointee, one "Haranath Joshi", was authorised to collect one *ānā* from the Mājhī, Kumhala, etc. households and to enjoy the escheated property, fines etc. "collected from them" (1975: 62). This is probably not correct.

75 Regmi 1971a: 135, 138. On the bidding on *ijārās* for gambling licenses, see the contribution by S. Cubelic in this volume.

76 The *bandobasta* specifies in *savāla* 9: "Ascertain how much has been collected, how much has been misappropriated, and how many tenant farmers have been dispossessed. Obtain a confession if misappropriations have occurred or

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of how the overseers themselves misused their authority by, for example, troubling guiltless ascetics under their jurisdiction, have been given above.[77] Finally, it seems that even the government misused the *maṇḍalī* fee, at least temporarily. Usually not only the revenues directly collected for the palace (such as the *rāja-aṅka*) but also the fees for ascetics are excluded in other tax collection contracts or assignments of emoluments. However, in 1797 CE (VS 1853 Phālguna sudi 1) the government, chronically lacking money, allowed the *subedāra* of a newly recruited company stationed in Musikot to use for the period of three years, among other taxes, the income from the *maṇḍalī* of the Jogīs and Saṃnyāsīs to pay the troops (M.C. Regmi 1989: 105 with reference to RRC 25: 327–328). Further research on the available document material could probably clarify details and might bring other such cases to light.

Conclusion

As illustrated above, ascetics did not necessarily live cut off from the outside world. They left behind not only traces of their religious practice but sometimes became actively involved also in worldly affairs. Indeed, as the example of Bhagavantanātha shows, they could have a great impact on the affairs of state. The king and his government for their part interacted with ascetics not only as individuals. Ascetics were also considered as members of a group that needed to be administered, especially if landowning institutions were involved.

Following a model that existed already in Malla times,[78] the Śāha kings appointed central overseers for this purpose. The two series of documents presented in this paper are related to different ascetical traditions and different stages in the history of the Nepalese state, but they have a number of features in common. They grant judicial authority and assign revenues to an office that, although originally foreign to

collections have been concealed. Collect and send the misappropriated sums to the palace, and fine the offender triple the amount involved" (tr. by M.C. Regmi 1971b: 131; see also Stiller 1976: 81; for the Nepali text, see D.R. Panta 1971: 240).

77 See e.g. n. 54.

78 Both Burghart (1984: 178 n. 7) and Bouillier (1991a: 156 n. 14) refer to a document published by Gaborieau (1977: 36) which grants a person named Ghāsi Phakīra the position as chief (*sarddārī*) of Sūfī fakirs (*sophi fakīr*); it was issued in 1738 CE (Śāka Saṃvat 1660) by King Jayaprakāśa Malla.

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the ascetical traditions, was meant to uphold their customary law. Thus ascetics placed in this position by official decree not only received alms or were granted rights over donated land and the people cultivating it; they could even accumulate tax revenues from subjects of the state—according to some,[79] the whole population with the exception of some privileged groups in the religious and military service of the kings.

The differences between the two series of documents discussed here demonstrate that the arrangements made between the two parties were subject to historical changes. While Bhagavantanātha was granted a kind of *carte blanche*, Raṃjīta Giri was appointed in his office under a contract (*ijārā*) involving a stipulated payment to the palace and having temporal and local limitations. The responsibilities of the overseer vis-à-vis the administration of the state increased.

As Burghart and Bouillier have shown, further changes took place during the period of Rāṇā rule. The government started to interfere in the internal affairs of ascetics and attempted to increase control. This process was continued and led to the foundation of the Guṭhī Bandobasta, the governmental department in charge of religious and charitable endowments, and later the Guṭhī Saṃsthāna, the institution that nowadays appoints the *mahantas* after announcing the post in the government newspaper (Burghart 1984: 177).

Nonetheless, the available documentary material also reveals continuities between the early Śāha and the Rāṇā periods. In her conclusion, Bouillier writes that it was the Rāṇā administration which

> introduced an administrative system whose aim was to suit their financial interests. It was not of their primary concern to legitimate the power of the Sah rulers whom they were bypassing. (Bouillier 1991a: 170)

But while the Rāṇās certainly had a different agenda, and for all that the Śāha kings, whose tutelary deity was Gorakhanātha, accorded the Nātha Jogīs special consideration as powerful transmitters of the god's blessings, it would be going too far to say that using their and other ascetics' *maṇḍalīs* to fill the state treasury was the unique invention of the Rāṇās.

79 See n. 35.

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Appendix

In the editions presented below the original spelling is largely retained, with the exception that for the convenience of the reader v/b, ṣ/kh and certain graphical features, such as line fillers, are regularised. For technical reasons, the so-called "eyelash-ra" is transcribed as ऱ.

Note: Follow-up or parallel documents addressing officials in other regions often have more or less the same wording (although the orthography may differ). Therefore translations are only provided for Docs. 1, 2, 3, 5, and 8. Meaningful variants in the other documents are discussed in notes to the translations.

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Editorial Symbols

[रा]	editorial addition or correction
⟪रा⟫	scribal addition
{...}	editorial deletion
रा̲	uncertain reading

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Document 1: Copy of a *Lālamohara* from King Pṛthvīnārāyaṇa Appointing Gosāĩ Bhagavantanātha as Central Overseer of Jogīs

Date (of the original): VS 1827 (1770 CE), Kārttika sudi 15, Friday; Guṭhī Saṃsthāna, no. 10, in Po. no. 15 Gu. Bam.; microfilmed as NGMPP K 469/9; for a digital edition, see DOI: https://doi.org/10.11588/diglit.30313.

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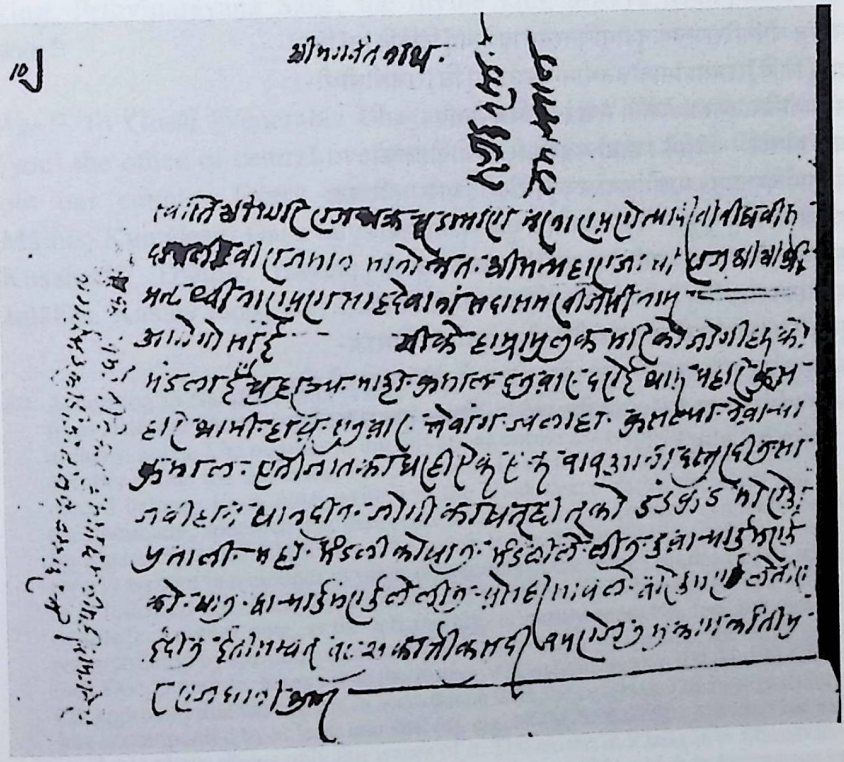

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Edition:

《10》
श्री भगवंतनाथ

《रुजु दुरुस्त
ले भीम्लाल》

[《सकल वमोजीं नकल दुरुस्त छ भनी सहीछाप गर्ने रा-
नागाउं मठ्का डीठ्ठा तीलक बाहादुर चं》]

1 स्वस्ति श्रीगिरिराजचक्रचूडामणिनरनारायणेत्या[दिविवि]ध[विरु]-
दाव[लिवि]राजमानमानोन्नतश्रीमन्महाराजा[धि]राजश्रीश्रीश्री-
मत्पृथ्वीनारायणसाहदेवानां सदा समरविजयीनाम्। ---
आगे गोसाँई ---जीके। हाम्रा मुलुकभरिको जोगीहरूको
5 मंडलाईं चर्हाञ्यु। माझी कुमाल दनुवार दरोई थारू पहरि कुस-
हरि थामी हायु सुनुवार चेवांग ज्वलाहा कुसल्या नेवार्या-
कुमाल एती जातका घरही ऐक् एक् १|१ आना दस्तुर दीनु। सा-
ज बीहान खान दिनु। जोगीका खत्छीत्को दंडकुंड मोरोअ-
पुताली महामंडलीको खानु मंडलीले लीनु। दुवार्या ऊमराऊ-
10 को खानु द्वार्या ऊमराऊले लीनु। येस हीसाबले द्वारे ऊमराऊले तीरा-
ईदीनु। ईती सम्वत् १८२७ कार्त्तीक सुदी १५ रोज ७ मुकाम कांतीपू-
र राजधानी। शुभम्। ---

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Translation:

Venerable Bhagavantanātha

[...][80]

Hail! [A decree] of him who is shining with manifold rows of eulogy [such as] "The venerable crest-jewel of the multitude of mountain kings" and Naranārāyaṇa (an epithet of Kṛṣṇa) etc., high in honour, the venerable supreme king of great kings, the thrice venerable great king, Pṛthvīnārāyaṇa Śāha, the divine king always triumphant in war.[81]

Āge:[82] To Gosāĩ [Venerable Bhagavantanātha]jī:[83] We have offered [you] the office of central overseer (*maṇḍalāi*) of the Jogīs throughout our country. Every house of the [following] groups (*jāta*): Mājhīs, Kumāles,[84] Danuvāras, Darāis (text: *daroī*), Thārūs, Paharis, Kusaharis, Thāmīs, Hāyus, Sunuvāras, Cepaṅs (text: *cevāṃga*), Julāhās, Kusles [and] Nevārakumāles shall give one, [in figures] 1,

80 According to Naraharinātha (1966: 459) the original also contains the invocations *śrīdurgā bhavāni* and *srīdurgāsahāyaḥ*. The present copy contains several archival notes. The number at the left upper corner corresponds to the running number inside the document bundle (*pokā*) 15 of the Gu[ṭhī] Ba[ndobasta] the record belongs to. A note, written in the blank space above the main text of the document, specifies that the record was "attested as correct" (*ruju durusta*) by a person named Bhīmalāla. The name is hardly readable here but is more clearly written in a number of other documents in the same bundle. The syllable *le* is followed elsewhere by a middle dot (yielding an abbreviation of a name or title?). Another note, at the left margin, is hardly readable, too, but can be reconstructed by the help of other records in *pokā* 15 which bear the same note (see Doc. 3 and 4). It says that the *diṭṭhā* of Rānāgāũ *maṭha*, Tīlaka Bāhādura Cā, approved that the copy is in accordance with the original. The note probably was accompanied by at least one seal (cf. e.g. NGMPP K 469/1, 3–6 etc.) but the available photo shows only fair traces of it. The *maṭha* in Rānāgāũ is Bhagavantanātha's first monastic settlement (Bouillier 1991a: 155) which is, in contrast to his second monastery in Śrīgāũ, deserted nowadays (ibid.: 157, 158).

81 The *praśasti* does not yet contain the phrase *bahādūrasamserjaṅ* ("brave swordsman"), later on standard in the *praśastis* of the Śāha kings, although Pṛthvīnārayaṇa had this title bestowed on him in the year of the present document, i.e. 1770 CE (D.R. Regmi 1975: 221–223; Pant/Pierce 1989: 13).

82 Lit. "henceforeward;" used in documents to mark the beginning of a text or paragraph.

83 The name of the addressee has been inserted from the space above.

84 Occurring in various spellings, the term is the general denomination for potters (Parājulī et. al. 1995: s.v. *kumāle* and *kumhāla/kumhāle*). In the present context the word may refer more specifically to a certain group of potters living close to Mājhīs, Danuvāras and Darāis (for which, see Bista 1996: 140).

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ānā [to you] as a customary fee (*dastura*) [and] offer food [to the Jogīs] mornings and evenings. The fines for illicit sexual relation (*khatchītko daṇḍakuṇḍa*)[85] of the Jogīs [and the] escheated property (i.e. the property of Jogīs who die childless), [which] are to be enjoyed (lit. eaten) by the *mahāmaṇḍalī*, shall be taken by the *maṇḍalīs*.[86] [What] is to be enjoyed by *dvāres* and *umarāus* shall be taken by *dvāres* and *umarāus*. In this way, have the *dvāres* and *umarāus* arrange [the money] to be paid.

Saturday, the 15th of the bright fortnight of Kārttika of the [Vikrama] era [year] 1827 (1770 CE), residence: Kathmandu, the capital. Auspiciousness.

85 See n. 37.

86 The meaning of the terminology used in this passage is not entirely clear. Is the *mahāmaṇḍalī* a synonym of *maṇḍalāi* (cf. Doc. 8, where the *mahantamaṇḍalāi*, the central overseer of Sannyāsīs, occurs as °*maṇḍalī*), or does it denote, as Unbescheid (1980: 26) interprets, the order or sect, i.e. the community of all Jogīs under the jurisdiction of the *maṇḍalāi*; the Jogī "class"—or as Burghart (1984: 167) calls it "species"—(*jāta*) mentioned in other documents (see e.g. Naraharinātha 1966: 456, 457, 465 and *passim*)? Similarly, the word *maṇḍalī* is ambiguous. It can denote a (small) community or "circle," or else—more probable in the present context—its leader (Parājulī et al. 1995 s.v. *maṇḍalī*), which in the case of a local community of Jogīs would equate to a *mahanta* or *pīra*.

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Document 2: Lālamohara from King Pratāpasiṃha Reconfirming Gosāĩ Bhagavantanātha as Central Overseer of Jogīs

Date: VS 1833 (1776 CE), Agahana (i.e. Mārgaśirṣa) sudi 8, Wednesday; National Archives, Kathmandu, ms. no. 471; NGMPP DNA 14/50; for a digital edition, see: DOI: https://doi.org/10.11588/diglit.30307.

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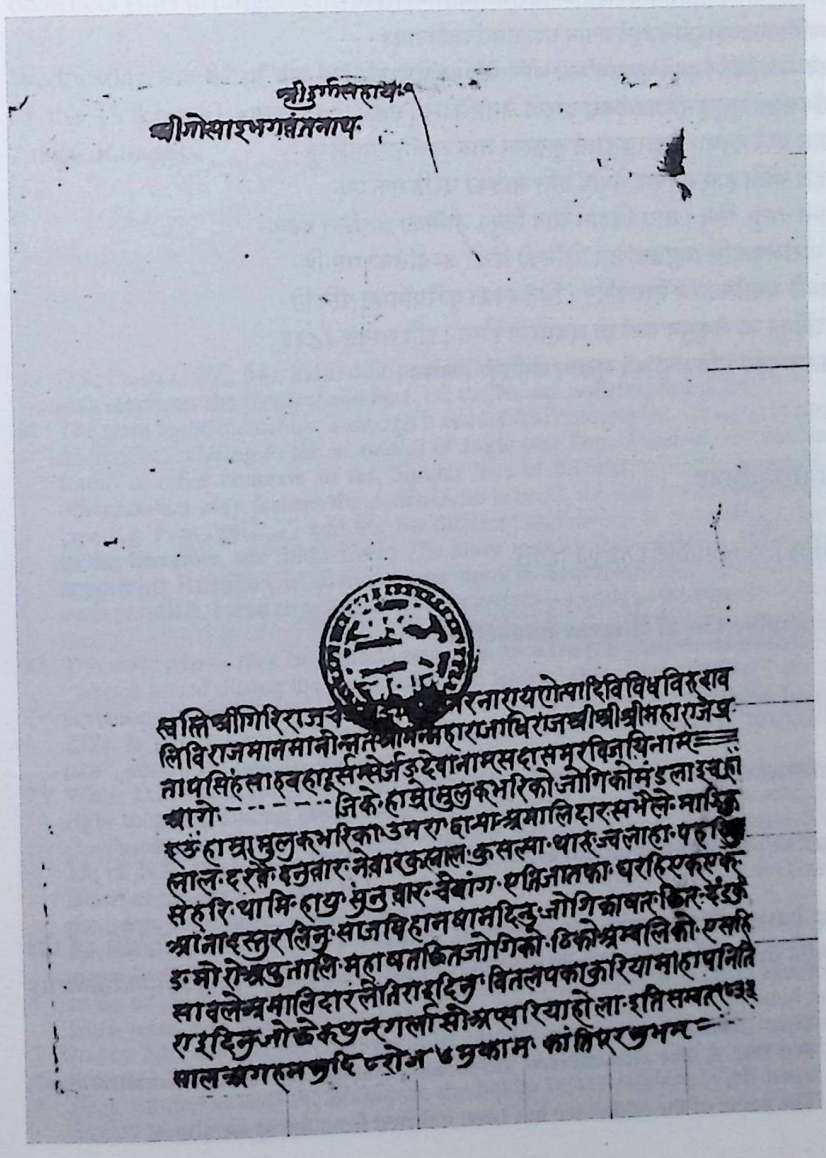

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Edition:

श्रीदुर्गासहायः\

श्री गोसाइ भगवंतनाथ

[royal seal]

1 स्वस्ति श्रीगिरिराजचक्रचुडामणिनरनारायणेत्यादिविविधविरुदाव-
लिविराजमानमानोन्नतश्रीमन्महाराजाधिराजश्रीश्रीश्रीमहाराजेप्र-
तापसिंहसाहबहादूर्सम्सेर्जङ्देवानाम् सदा समरविजयिनाम्। ---
आगे --- जिके। हाम्रो मुलुक्भरिको जोगिको मंडलाइ चर्हाँ-
5 इउँ। हाम्रा मुलुक्भरिका उमरा द्वार्या अमालिदार [सबैले][87] माझि कु-
ह्याल दरवै दनुवार नेवारकुह्याल कुसल्या थारु ज्वलाहा पहरि कु-
सहरि थामि हायु सुनुवार चेपांग एति जातका घरहि एक् एक्
आना दस्तुर लिनु। साज बिहान खान दिनु। जोगिका खत्छित् दंडकुं-
ड मोरोअपुतालि महाखतछित जोगिको टिको अम्बलिको एस हि-
10 साबले अमालिदारले तिराइदिनु। बितलपका कुरियामाहा पनि ति-
राइदिनु। जो छेक्थुन् गर्ला सो अप्सरिया होला। इति सम्वत् १८३३
साल अगहन शुदि ८ रोज ४ मुकाम् कांतिपूर। शुभम्। ---

Translation:

[May] venerable Durgā help.

Venerable Gosāĩ Bhagavantanātha

[royal seal]

praśasti of the king[88]

Āge: to [Venerable Gosāĩ Bhagavantanātha]ji[89]

We have offered you the office of central overseer (*maṇḍalāi*) of the Jogīs throughout our country. [Have] all *umarāus*, *dvāres*, *amālidāras*

87 Text: *sabhaile*.
88 See Doc. 1. The *praśasti* now includes also the phrase "*bahādūrasamserajaṅ*", see n. 81.
89 The name of the addressee has been inserted from the space above.

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throughout our country collect [for you] one *ānā* from every household of the [following] groups (*jāta*): Mājhīs, Kumhāles,[90] Darāis, Danuvāras, Nevārakumhāles, Kusles, Thārūs, Julāhās, Paharis, Kusaharis, Thāmīs, Hāyus, Sunuvāras [and] Cepaṅs. [Have them] offer food [to the Jogīs] mornings and evenings. Have the *amālidāras* arrange [the money] to be paid [to you relating to] the Jogīs' illicit sexual relations (*khatachita*), [other] fines, escheated property, the *mahākhatachita* (?)[91] [and] the Jogīs' *ṭiko* (?)[92] according to the *amāli* (text: *aṃvali*) rates for these.[93] [Have] the tenants (*kuriyā*) of *bitalapa* land also made to pay.[94] Who obstructs [this arrangement] will be [considered] a rebel (*apsariyā*).

Wednesday, the 8th of the bright fortnight of Agahana (i.e. Mārgaśirṣa) of the [Vikrama] era year 1833 (1776 CE), residence: Kathmandu. Auspiciousness.

90 D.R. Panta (1968: 34), in his edition, has *Mājhikuhmāla* (because the document also mentions the *Nevārakuhmālas*, i.e. the Newar potters?) See n. 84.

91 The term *mahākhatachita*, although it occurs (in orthographic variants) in other documents relating to the *maṇḍalāi* of Jogīs (see Doc. 3 and 4), has not been found in other contexts so far. Similar lists of judicial revenues assigned to officeholders may feature the *pañcakhata* instead, the fine for heinous crimes (see e.g. Pant 2002: 77 and 86; for different definitions of *pañcakhata* found in the literature, see ibid.: 134f.) The latter term is also used in a *lālamohara* appointing Raṃjīta Giri as *mahantamaṇḍalī* of Saṃnyāsīs (see Doc. 8). Given such parallels, I tend to assume that *pañcakhata* is meant in the present context, too.

92 The word *ṭiko* or *ṭīkā*, lit. a mark, was used for a fee (also known as *ṭīkābheṭī* or °*bheṭa*) levied during the autumnal Dasaī festival (for a description of the *ṭīkā* ceremony in the Rāmānandī monasteries in Janakpur, see Burghart 2016: 210–212). Is the "*jogiko ṭiko*", which is elsewhere (see Doc. 4) called "*maṇḍalīko ṭiko*", such a fee paid by the Jogīs to their *maṇḍalāi*?

93 While D.R. Panta simply paraphrases that the document was issued to grant the right to enjoy, among other things, the escheated property of Jogīs who died (*jogīharū mare tinako aputālī khāna pāune ādi adhikāra diī*, D.R. Panta 1968: 35; cf. N.R. Panta et al. 1969: 1070), I have tried to provide a complete translation of the sentence which, however, given the uncertain meaning of some of the items mentioned, is still tentative.

94 *Bitalaba* (or *bitalapa*) is a category of *birtā*, granted instead of *talaba* (pay, wages), which obliges its beneficiary to work for the state when called upon to do so (M.R. Pant 2002: 132; M.C. Regmi 1978a: 855). It is often exempted from taxes and this might be the reason why it is specially mentioned here. In two later documents confirming Bhagavantanātha's privilege, the respective sentence is rephrased, mentions no *kuriyā*, but specifies that in the *bitalapa* (text: *bītalapamāhā*) the *bitalapyā*, the holder of the *bitalapa*, shall cause the money to be paid (see Doc. 3 and 4).

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Document 3: Copy of a *Rukkā* from King Raṇabahādura Reconfirming Gosāĩ Bhagavantanātha as Central Overseer of Jogīs

Date (of the original): VS 1839 (1782 CE), Jyeṣṭha vadi 30, Sunday
Guṭhī Saṃsthāna: card no. 9 in Po. no. 15 Gu. Bam.; NGMPP K 469/8; For a digital edition, see: DOI: https://doi.org/10.11588/diglit.32508.

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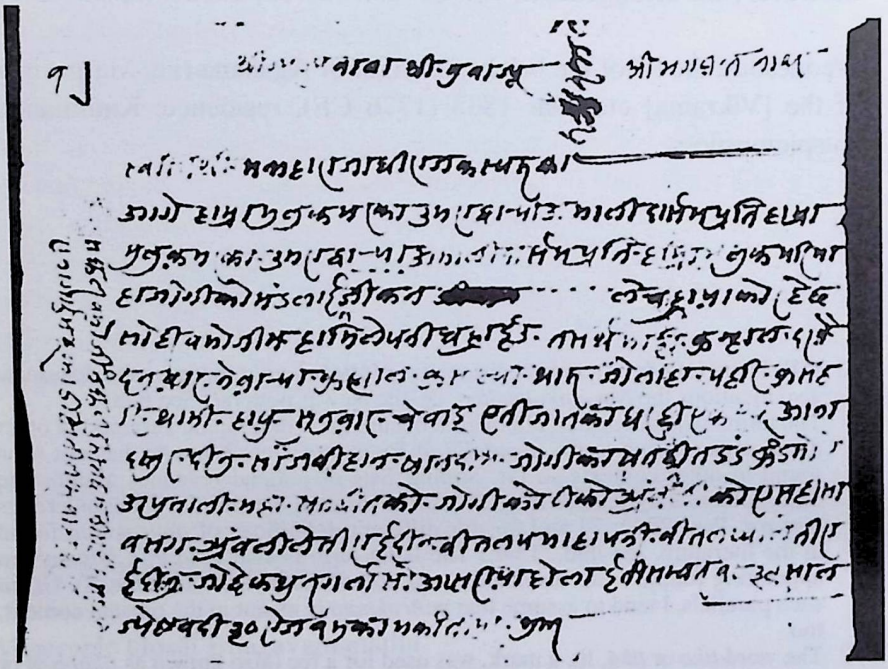

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Edition:

《9》
श्री ज्यूज्यूबाबा श्री बुवाज्यू श्री भगवन्तनाथ

《रुजु दुरुस्त ले [भीमलाल]》

《सक्कल वमोजीं नक्कल दुरुस्त छ भनी सहीछाप गर्ने
रानागाऊ मठ्का डीट्ठा तीलक बाहादुर चं》

1 स्वस्ति श्रीमन्महाराजा[धि]राजकस्य रुक्का । ---
आगे हाम्रा मुलुकभरका उमरा द्वार्या अमालीदार् [सब][95] प्रति । {...}[96]
हाम्रा मुलुकभरिमा-
हा जोगीको मंडलाई 《---》जीकन --- ले चर्हायाको रहेछ ।
5 सोही बमोजीम हामीले पनी चर्हाईउ । तसर्थ माझी कुम्हाल दरवै
दनुवार नेवार्याकुह्याल कुसल्या थारू जोलाहा पहरि कुसह-
रि थामी हायु सुनुवार चेवाङ् एती जातका घरही ऐक एक् आना
दस्तुर दीनु । साँज बीहान खान दीनु । जोगीका खतछीत दंडकुंड मोरो-
अपुताली महाखतछीतको जोगिको टीको अंबलीको एस हीसा-
10 बसग अंबलीले तीराइदीनु । बीतलपमाहा पनी बीतलप्याले तिरा-
ईदिनु । जो छेकथुन् गर्ला सो अप्सरीया होला । ईती सम्वत १८३९ साल
ज्येष्ठ वदी ३० रोज १ मुकाम कांतीपुर । शुभ्म् । ---

Translation:

Venerable Grandfather, Venerable Father

Venerable Bhagavantanātha

[...][97]

Hail! [This is] an executive order of the supreme king of great kings.

Āge: To all *umarāus*, *dvāres* [and] *amālidāras* throughout our realm (*muluka*)

95 Text: *sabha*.
96 The scribe erroneously repeated the phrase from *hāmrā* to *prati*.
97 For the different archival notes, see n. 80.

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The office of central overseer (*maṇḍalāi*) of Jogīs was offered[98] to [Venerable Bhagavantanātha]jī[99] by [our] [Venerable Grandfather, Venerable Father].[100] Accordingly, we, too, have offered [him the office]. Therefore, every house of the [following] groups (*jāta*): Mājhīs, Kumāles, Darāis (text: *daravai*), Danuvāras, Nevārakumāles, Kusles, Thārūs, Julāhās, Paharis, Kusaharis, Thāmīs, Hāyus, Sunuvāras [and] Cepaṅs (text: *cevāṅ*) shall give one *ānā* as a customary fee (*dastura*) [and] offer food [to the Jogīs] mornings and evenings. Have the *amālidāras* arrange [the money] to be paid [to you relating to] the Jogīs' illicit sexual relations (*khatachita*), [other] fines, escheated property, the *mahākhatachita* (?)[101] [and] the Jogīs' *ṭiko* (?)[102] according to the *amāli* (text: *aṃvali*) rates[103] for these.[104] In the *bitalapa* (*bītalapamāhā*), too, [the tenants][105] should be made to pay by the *bitalapyā* (i.e. the holder of the *bitalapa*). Who obstructs [this arrangement] will be [considered] a rebel (*apsariyā*).

Sunday, the 30th of the dark fortnight of Jyeṣṭha of the [Vikrama] era year 1839 (1782 CE), residence: Kathmandu. Auspiciousness.

98 The sentence ends with *rahecha*, a second perfect tense of the verb *rahanu* ("to remain"), which implies a sense of realisation that has no exact equivalent in English. To record this peculiarity of the Nepali language one could begin the translation of the sentence with: "We have come to learn that ..." (see Pant 2002: 77 n. 4).

99 The name has been inserted from the right side in the blank space above.

100 The names have been inserted from the left side in the blank space above.

101 As in Doc. 4 the genitive marker *-ko* is used here. For a discussion of this doubtful term, see n. 91.

102 Doc. 4 has *maṇḍalīko ṭiko* instead of *jogīko ṭiko*, see n. 92.

103 As in the follow-up document (Doc. 4) the postposition *-saga* (mod. Nep. *-sãga*) is used after *hisāba* instead of *-le* of the older documents (see Docs. 1 and 2).

104 The translation of this sentence is tentative (see n. 93).

105 See n. 94.

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Document 4: Copy of a *Rukkā* from King Raṇabahādura Reconfirming Gosāĩ Bhagavantanātha as Central Overseer of Jogīs

Date (of the original): VS 1843 (1787 CE), Phālguna sudi 2, Monday
Guṭhī Saṃsthāna: card no. 11 in Po. no. 15 Gu. Bam.; NGMPP K 469/10; for a digital edition, see: DOI: https://doi.org/10.11588/diglit.36832.

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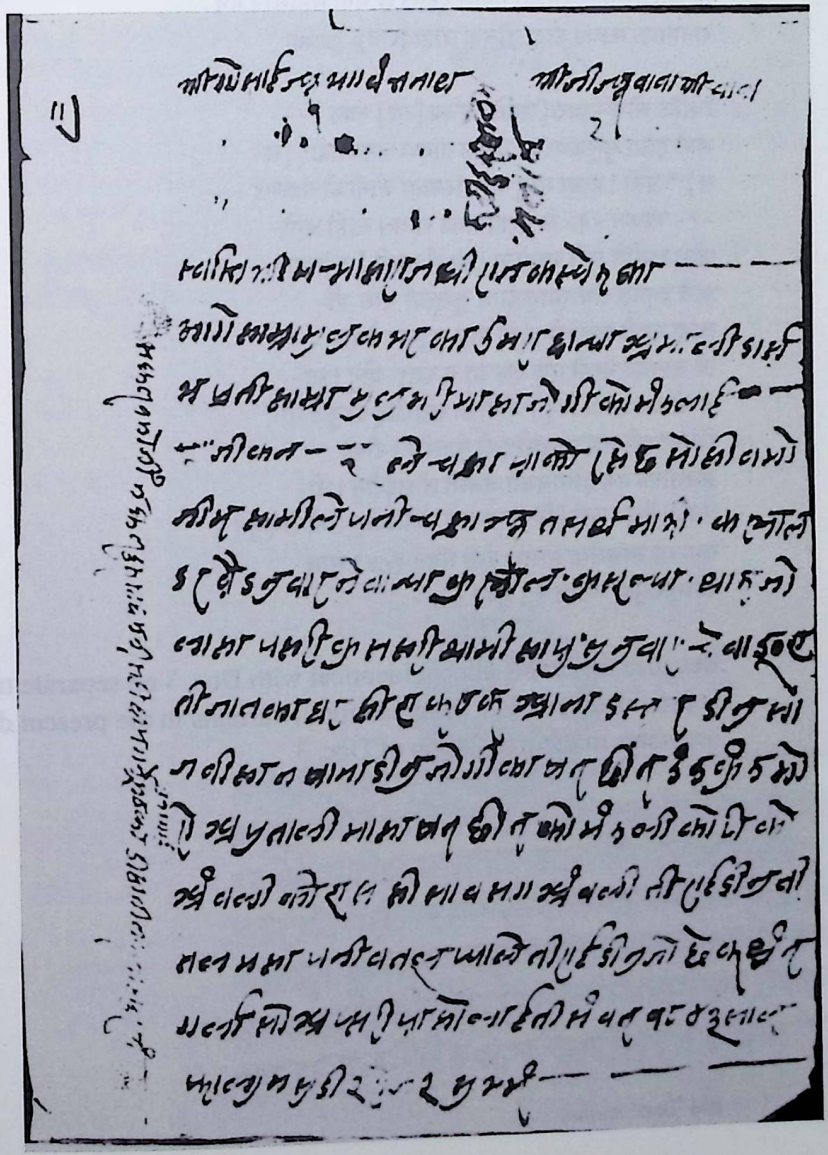

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Edition:

《11》
श्री गोसाईज्यू भगवंन्तनाथ श्री जीज्यूबाबा श्री बाबा
१ २

《रुजु दुरुस्त ले [भी]-
मलाल》

[seal] 《सक्कल वमोजीं नक्कल दुरुस्त छ भनी सहीछाप गर्ने
रानागाऊ मठका डीट्ठा तीलक् बाहादुर चं》 [seal]

1 स्वस्ति श्रीमन्महारा[जाधि]राजक[स्य] रुक्का । ---
आगे हाम्रा मुलुकभरका ऊमरा द्वार्‌या अमालीदार् [स-
ब][106] प्रती । हाम्रा मुलु[क]भरिमाहा जोगीको मंडलाई ---
-१- जीकन -२- ले चर्‌हायाको रहेछ । सोही बमो-
5 जीम् हामीले पनी चर्‌हाञ्यू । तसर्थ माझी [कु]म्हाल
दरवै दनुवार नेवार्‌याकुह्माल कुस्‌ल्या थारू जो-
लाहा पहरी कुसहरी थामी हायु सुनुवार चेवाङ ए-
ती जातका घरही एक् एक् आना दस्तुर दीनु । सा-
ज बीहान खाना दिनु । जोगीका खत्‌छीत् दंडकुंड मो-
10 रोअपुताली माहाखत्‌छीत्‌को मंडलीको टीको
अंबलीको एस हीसाबसग अंबली तीराईदीनु । बी-
तल[प]महा पनी [बि]तलप्याले तीराईदीनु । जो छेक्‌थुंन्
गर्ला सो अप्सरीया होला । ईती संवत १८४३ साल्
फाल्गुन सुदी २ रोज २ । शुभ्म्ं । ---

Because the text is almost identical with Doc. 3 no separate translation is provided here. For the meaningful variants in the present document, see notes to the translation of Doc. 3.

106 Text: *sabha.*

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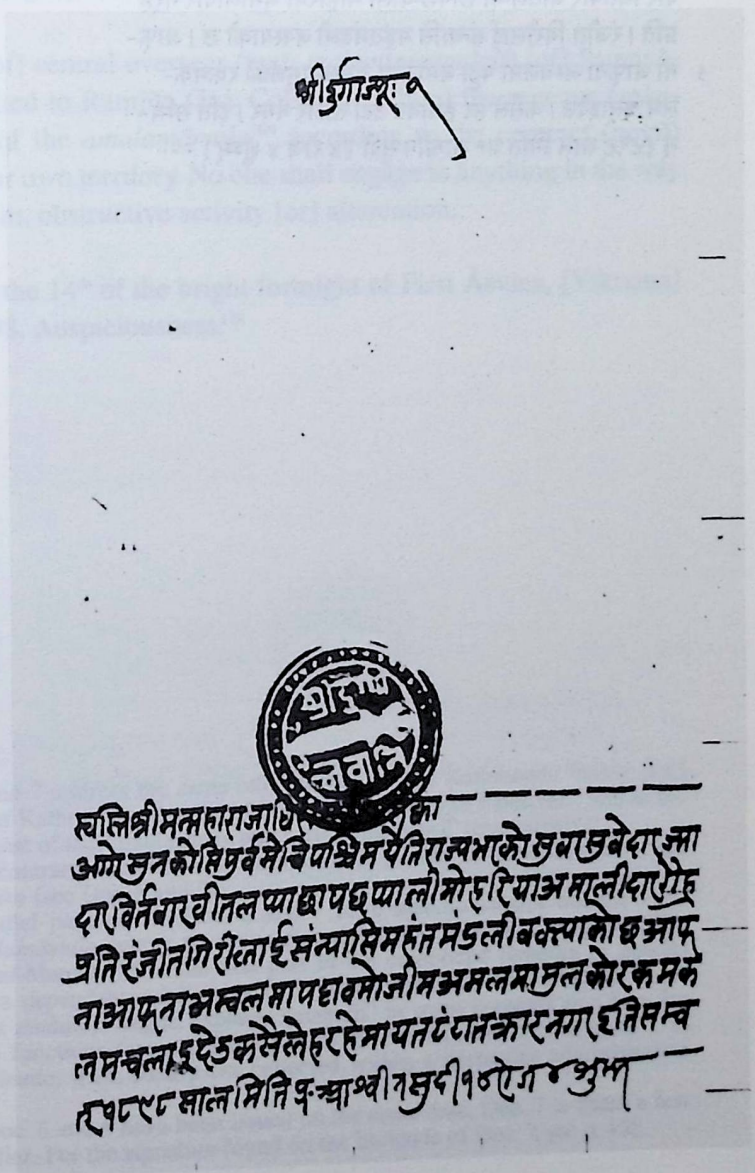
Document 5: A *Rukkā* from King Rājendra to Officials Appointing Raṃjīta Giri as Central Overseer of Saṃnyāsīs

Date: VS 1898 (1841 CE), First Āśvina sudi 14, Wednesday; National Archives, Kathmandu, Ms. no. 368; NGMPP DNA 13/59; for a digital edition, see: DOI: https://doi.org/10.11588/diglit.27187.

Facsimile:



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Edition:

श्रीदुर्गाज्यू: \

[royal seal]

1 स्वस्ति श्रीमन्महाराजाधि[राजकस्य] [रु]क्का। ---
आगे सुनकोसि पुर्व मेचि पश्चिम येति राज्यभरको सुबा सुबेदार ज्मा-
दार बिर्तवार बीतलप्या छापछप्याली मोहरिया अमालीदार गैर्ह
प्रति। रंजीत गिरीलाई संन्यासि महंतमंडली बक्स्याको छ। आफ्-
5 ना आफ्ना अम्बलमा पट्टा बमोजीम अमलमामुलको रकमक-
लम चलाइदेउ। कसैले हर हेमायत टंटा तक्रार नगर। इति सम्व-
त् १८९८ साल मिति प्र• आश्वीन सुदी १४ रोज ४ शुभ्म्। ---

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Translation:

Venerable Durgājyū

Hail! [This is] a missive of the supreme king of great kings.

Āge: To the *subbās*, *subedāras*, *jamādāras*, *birtāvāras*, *bitalapyās*, *chāpachapyālīs*, *mohariyās*, *amālidāras* etc. throughout the kingdom (*yeti rājyabharako*) east of the Sunakosi and west of the Meci.[107]

The [office of] central overseer (text: *mahantamaṃḍalī*) [of] Saṃnyāsīs[108] is granted to Raṃjīta Giri. Collect [for him] the revenue (*rakamakalama*) of the *amalamāmula*[109] according to the contract (*paṭṭā*) [each] in your own territory. No one shall engage in anything in the way of favouritism, obstructive activity [or] altercation.

Wednesday, the 14th of the bright fortnight of First Āśvina, [Vikrama] era year 1898. Auspiciousness.[110]

107 Doc. 6 and 7 address the same officials, but in "the Kathmandu Valley, [i.e.] the city of Kathmandu, the city of Bhaktapur, the city of Patan etc." and in the region "east of the Trisūlagaṅgā and west of the Meci" respectively.

108 The present translation takes into account both parallel documents, which read *saṃnyāsiko* (see Doc. 6 and 7).

109 The parallel passages in Doc. 6 and 7 have *ambalamāmula* but the variant *amalamāmula* seems to occur elsewhere, too (see M.C. Regmi 1973: 51: "Amal-Mamul [?]"). The first part of the compound (*ambala* or *amala*) denotes a dependent subdivision of a larger territorial unit (Parājulī et al. 1995: s.v. *ambala*). Regmi explains "mamuli" in some contexts as a levy for religious functions (see e.g. M.C. Regmi 1978a: 861, on "Kot-mamuli"). Is *amalamāmula*, then, such a tax collected within a particular administrative area?

110 While Doc. 6 and 8 have been issued on the same date, Doc. 7 is dated a few days earlier. For the signature found on the backside of Doc. 7, see p. 458.

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Document 6: A *Rukkā* from King Rājendra to Officials Appointing Raṃjīta Giri as Central Overseer of Saṃnyāsīs

Date: VS 1898 (1841 CE), First Āśvina sudi 14, Wednesday; National Archives, Kathmandu, Ms. no. 568; NGMPP DNA 15/31; for a digital edition, see: DOI: https://doi.org/10.11588/diglit.32501.

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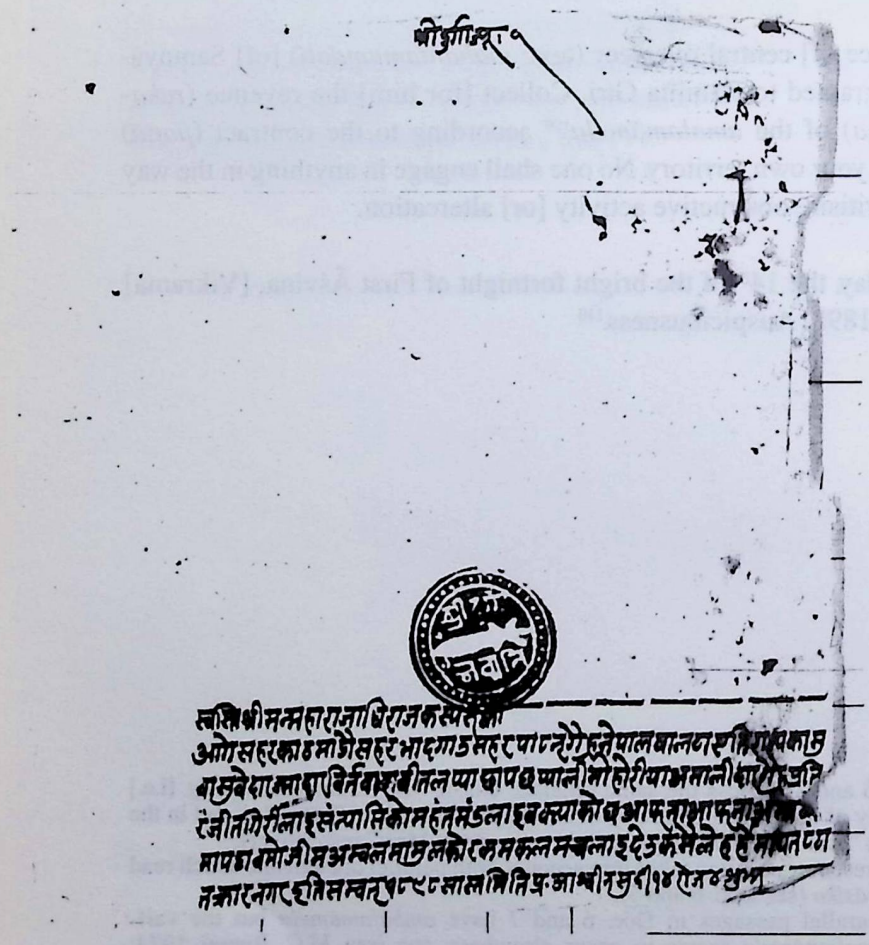

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Edition:

श्रीदुर्गाज्यू: \

[royal seal]

स्वस्ति श्रीमन्महाराजाधिराजकस्य रुक्का । ---
आगे सहर काठमाडौ सहर भादगाउ सहर पाटन् गैर्ह नेपालखालटा एति राज्यका सु-
बा सुबेदार ज्मादार बिर्तवारा बीतलप्या छापछप्याली मोहोरीया अमालीदार गैर्ह प्रति ।
रंजीत गिरीलाइ संन्यासिको महंतमंडलाइ बक्स्याको छ । आफ्ना आफ्ना अम्बल-
मा पट्टा बमोजीम अम्बलमामुलको रकमकलम चलाइदेउ । कसैले हर् हेमायेत टंटा
तक्रार नगर । इति संवत् १८९८ साल मिति प्र॰ आश्वीन सुदी १४ रोज ४ । शुभ्म् । ---

For a translation of the text, see Doc. 5. The peculiarities of the present document are mentioned in notes there.

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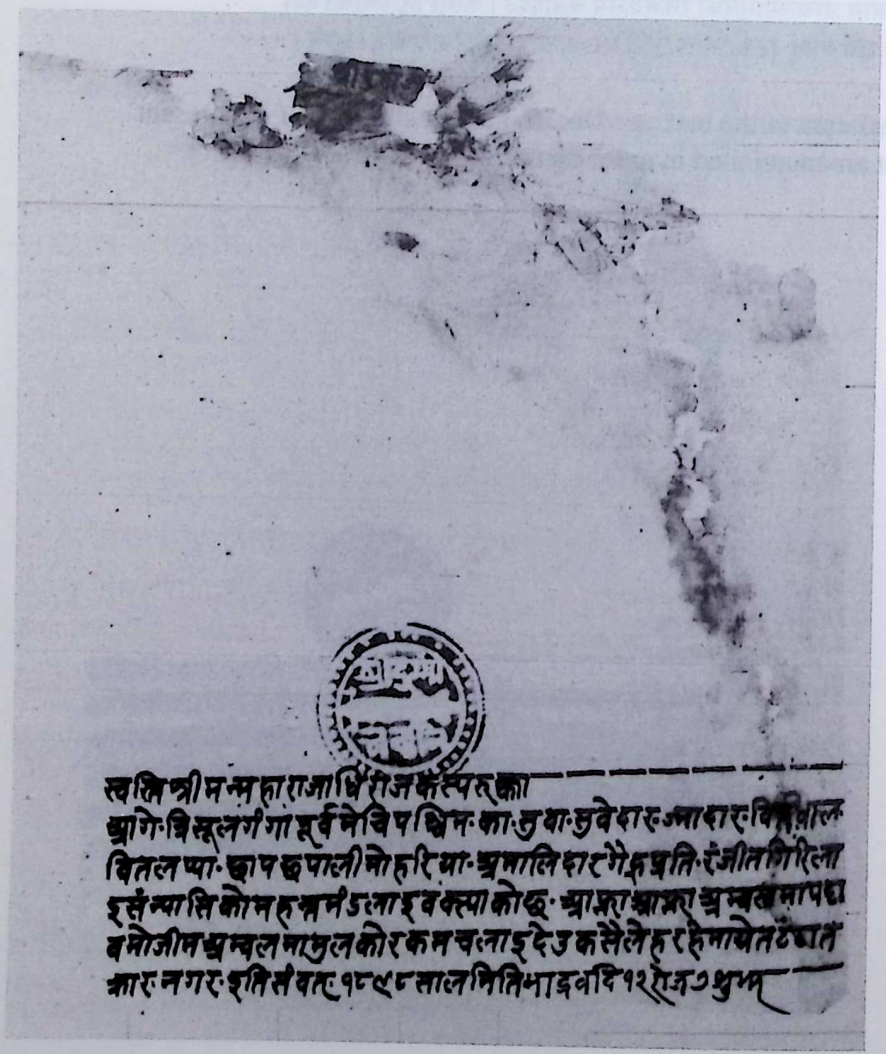
Document 7: A *Rukkā* from King Rājendra to Officials Appointing Raṃjīta Giri as Central Overseer of Saṃnyāsīs

Date: VS 1898 (1841 CE), First Āśvina sudi 14, Wednesday; National Archives, Kathmandu, Ms. no. 725; NGMPP DNA 16/75; for a digital edition, see: DOI: https://doi.org/10.11588/diglit.32506.

Facsimile:

Recto:



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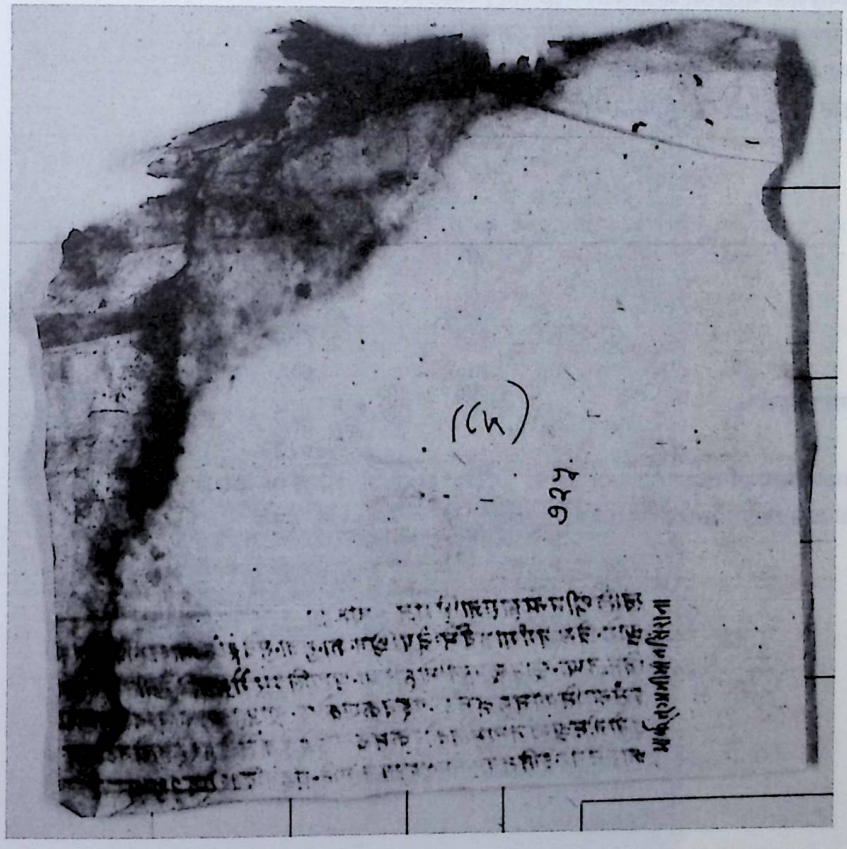
Verso:



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Edition:

[Recto]

श्रीदुर्गाज्यू:

[royal seal]

1 स्वस्ति श्रीमन्महाराजाधिराजकस्य रुक्का ---।
आगे त्रिसूलगंगा पूर्व मेचि पश्चिमका सुबा सुबेदार ज्मादार बित्तवाल
बितलप्या छापछपाली मोहरिया अमालिदार गैर्ह प्रति। रंजीत गिरिला-
इ संन्यासिको महन्तमंडलाइ बक्स्याको छ। आफ्ना आफ्ना अम्बलमा पट्टा
5 बमोजीम अम्बलमामुलको रकम चलाइदेउ। कसैले हर हेमायेत टंटा त-
क्रार नगर। इति संवत् १८९८ साल मिति भाद्र वदि १२ रोज ७ शुभ्म् ---।

[Verso]

(५७)

७२५

मार्फत् अभीमान सिं राना

For a translation of the text, see Doc. 5. The peculiarities of the present document are mentioned in notes there.

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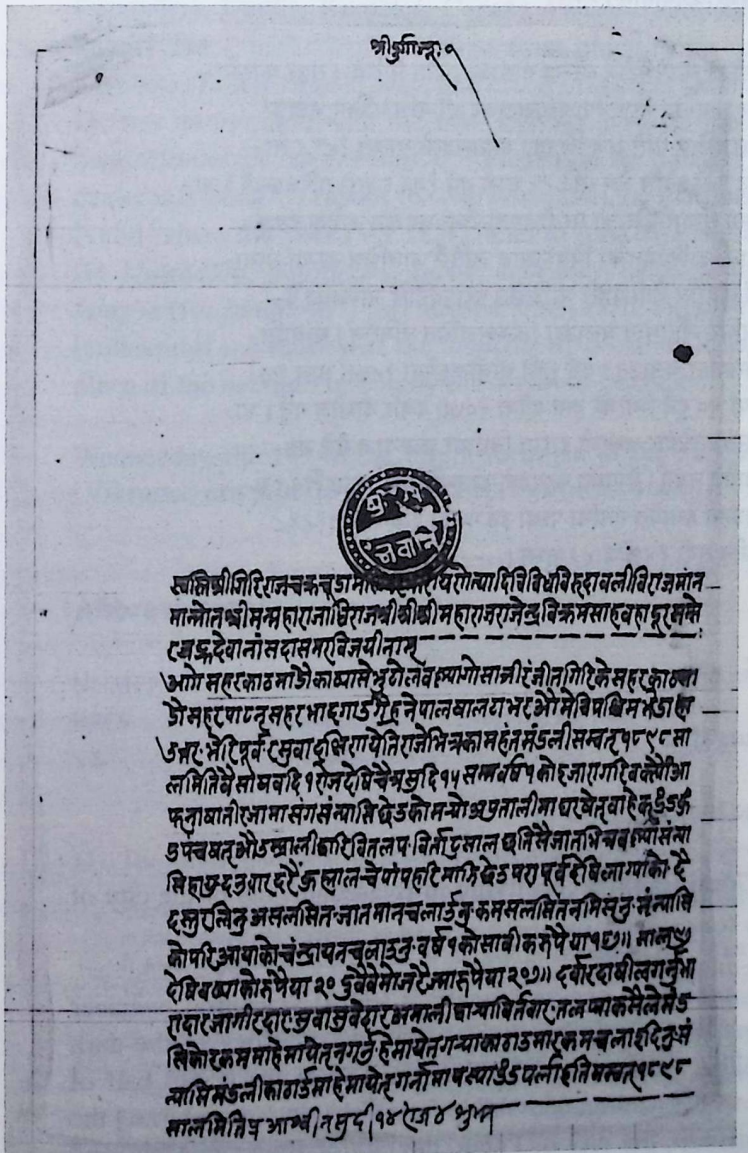
Document 8: A *Rukkā* from King Rājendra Appointing Raṃjīta Giri as Central Overseer of Saṃnyāsīs

Date: VS 1898 (1841 CE), First Āśvina sudi 14, Wednesday; National Archives, Kathmandu, Ms. no. 570; NGMPP DNA 15/33; for a digital edition, see: DOI: https://doi.org/10.11588/diglit.32505.

Facsimile:



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Edition:

श्रीदुर्गाज्यू: \

[royal seal]

1 स्वस्ति श्रीगिरिराजचक्रचूडामणिनरनारायणेत्यादिविविधविरुदावलीविराजमान-
मान्नोतश्रीमन्महाराजाधिराजश्रीश्रीश्रीमहाराजराजेन्द्रविक्रमसाहबहादूरसम्से-
रजङ्गदेवानां सदा समरविजयीनाम् । ---

आगे सहर काठमाडौका ब्यासेभुटोल बस्न्या गोसाञी रंजीत गिरिके । सहर काठमा-
5 डौ सहर पाटन् सहर भादगाउ गैर्ह नेपालखालटाभर औ मेचि पश्चिम भेडाहा
उत्तर भेरि पूर्व रसुवा दक्षिण येति राजे भित्रका महंतमंडली सम्वत् १८९८ सा-
ल मिति वैसाख वदि १ रोजदेखि चैत्र सुदि १५ सम्म वर्ष १को इजारा गरिबक्स्यौं । आ-
फ्ना खातीरजामासंग संन्यासिछेउको मर्‌योअपुतालीमा घर खेत् बाहेक् डंडकुं-
ड पंचखत् औ उम्म्राली द्वारि बितलप बिर्ताटुसाल छतिसै जातभित्र बस्न्या संन्या-
10 सि हायु दनुवार दर्रै कुह्माल चेपां पहरि माझिछेउ परापूर्वदेखि लाग्याको दै-
दस्तुर लिनु । असलसित जातमान चलाऊनु । कमसलसित नमिसनु । संन्यासि-
को परिआयाको चंन्द्रायन चलाउनु । वर्ष १को साबीकरुपैया १८७॥ साल ९७
देखि बढ्याको रुपैया २० दुबै बेमोजरै ज्मा रुपैया २०७॥ दर्बार दाखील गर्नु । भा-
रादार जागीरदार सुबा सुबेदार अमाली द्वार्‌या बिर्तवार तलप्या कसैले मंड-
15 लिको रकममा हेमायेत् नगर्नु । हेमायेत गर्‌याका ठाउमा रकम चलाइदिनु । सं-
न्यासिमंडलीका ठाऊमा हेमायेत् गर्नामा पस्या डंड पर्ला । इति सम्वत्१८९८
साल मिति प्र आश्वीन सुदी १४ रोज ४ । शुभ्म् । ---

Translation:

Venerable Durgājyū

praśasti of the king (cf. Doc. 1)

Āge: To the Gosāĩ Raṃjīta Giri living in Byāsebhu Ṭola of the city of Kathmandu.

We [hereby] execute a one-year contract (*ijārā*) as central overseer (*mahantamaṇḍalī*) [of the Saṃnyāsīs] from the first day of the dark half of Vaiśākha, Saṃvat year 1898 to the 15th of the bright half of Caitra in the whole Kathmandu Valley (*nepālakhalaṭābhara*), [i.e.] the city of Kathmandu, the city of Patan, the city of Bhaktapur etc., and

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in [that part of] the kingdom (*yeti rāje*) west of the Meci, north of the Bheḍāhā, east of the Bheri [and] south of the Rasuvā. Collect (*linu*) with content (*āphnā khātīrajāmāsaṃga*) the Saṃnyāsīs' escheated property (*maryoaputālī*), except for houses and fields, the judicial fines (*daṇḍakuṇḍa*) [and the penalties for] the five heinous crimes (*pañca-khata*), and [with the help of] the *umyrālīs* (for *umarāu*?), *dvāres*, *bitalapa* (for *bitalapyā*?) and *birtāṭusāla* (?)[111] from the Saṃnyāsīs living amongst the 36 *jātas* (i.e. householder Saṃnyāsīs), the Hāyūs, Danuvāras, Darāis, Kumāles, Cepaṅs, Paharis [and] Mājhīs the customary fee (*daidastura*) prevalent from olden times (*parāpūrvadeṣi lāgyāko*). Truely uphold caste and creed (*asalasita jātamāna calāunu*). Do not intermingle with the bad. Uphold the traditional (*pariāyeko*) *candrāyana* (for *cāndrāyaṇa*?).[112] Present to the palace 187 and a half customary (*sābika*) rupees for one year [and] the increase of 20 rupees [valid] since the year [VS 18]97, both in total 207 and a half rupees. No *bhārādāra*, *jāgīradāra*, *subbā*, *subedāra*, *amālī*, *dvāre*, *birtāvāra*, *talapya* (for *bitalapyā*?) [or] anyone [else] shall do [any] favoritism in [collecting] the money of the *maṇḍalī*. If it comes to favoritism in a place of the *maṇḍalī* of Saṃnyāsīs it will be punished.

Wednesday, the 14th of the bright fortnight of the First Āśvina of the [Vikrama] era year 1898 (1841 CE). Auspiciousness.

Abbreviations

NGMPP	*Nepal-German Manuscript Preservation Project*
RRC	*Regmi Research Collection*, 90 Vols.
VS	Vikrama Saṃvat

111 The meaning of the term in the present context is unclear. There was an office in Kathmandu known as *ṭusāla* that was "responsible for settlement of land disputes, registration of (Birta) land transactions, demarcation of land boundaries, irrigation, damage to lands by floods and landslides and other functions. It also handled procurement of copper on behalf of the Mint" (M.C. Regmi 1970: 275; see also M.C. Regmi 1971a: 229 and Edwards 1975: 114). If this office is meant here the document would indicate that its officers have been also involved in revenues affairs, at least in Kathmandu Valley.

112 *Cāndrāyaṇa*, lit. "belonging to the course of the moon", is a special way of fasting prescribed as expiation (*prāyaścitta*). The term *cāndrāyaṇa* or *sarva cāndrāyaṇa* also denoted a special levy that had to be paid to the *dharmādhikārī*, the supreme religious judge in the court (For references and further details, see n. 3 in the digital edition: https://doi.org/10.11588/diglit.32505).

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Conquering Navarātra: Documents on the Reorganisation of a State Festival

Astrid Zotter

Introduction

The Navarātra, in Nepal commonly known as Dasaĩ, is styled in Sanskrit sources as the paradigmatic festival of the warrior/royal estate[1] and has "eclipsed any other single event as the most prominent ritual of kingship across India" (Fuller 2004: 108). It is celebrated during the bright fortnight of the autumn month Āśvina and, on a smaller scale, in the spring month Caitra. It stages the worship of the warrior goddess Durgā, her battle with and victory over "Buffalo Demon" (Mahiṣāsura). In royal Nepal as elsewhere, it was the prime calendric occasion to celebrate a conception of rule according to which the sovereignty of a human king is shared with and derives from his *śakti*, "might" or "regal power", manifest in royal goddesses (see Gupta/Gombrich 1986). During Navarātra, these goddesses are worshipped as Durgā Mahiṣāsuramardinī, the "killer of Buffalo Demon". They are, at least to some extent, identified with each other, and their relationship with the ruler is renewed. To phrase matters crudely, the divine battery running the realm gets its annual check-up and is recharged.

When Nepal became a larger territorial state under the Śāha kings from the middle of the 18th century onwards, one of the measures in the project of building a Hindu state was to make the diverse ethnic groups living in the conquered territories celebrate Hindu festivals, and Navarātra first and foremost among them (Krauskopff/

1 The conventional hierarchical grouping of festivals and *varṇas* has Śrāvaṇa Pūrṇimā, featuring the annual renewal of the sacred cord (*yajñopavīta*), as the festival of Brahmins, Navarātra that of the Kṣatriyas, Dīpāvalī that of the Vaiśyas, and Holī that of Śūdras (Kane 1958: 200).

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Lecomte-Tilouine 1996: 12–14). In the Śāha and Rāṇā periods, "[t]he state attempted to propagate a basic and minimal Hinduism: respect for the cow … and participation in Dasain" (Gellner 2005: 770). Apart from groups thus 'hinduised', there were also those who had already celebrated Navarātra before the advent of Śāha rule. Various royal houses had previously reigned over the conquered territories, including the Malla dynasty rule of the three city kingdoms of the Kathmandu Valley, the historical Nepal. The present contribution will concentrate on, but not be limited to, the Śāhas' cooptation of Malla Navarātra rituals. In expanding their overlordship from their petty kingdom of Gorkha, the new rulers in one way or another adopted the Navarātra celebrations of these royal houses, but not without introducing changes to them. Indeed the creation of the Nepalese state involved a thorough reshuffling of royal rituals of both conquered and conquering kings.

Texts on the Royal Navarātra

It has often been admitted that on-the-spot observation faced limits when it came to the Navarātra rituals carried out for the king of Nepal, performed as they were in seclusion (e.g. Krauskopff/Lecomte-Tilouine 1996: 29; Lecomte-Tilouine/Shrestha 1996: 153). All the more regrettable, then, is the fact that the study of texts written by and for the actors involved is still a largely missing complement[2] to anthropological studies and earlier accounts of European missionaries, travellers, office holders and Sanskritists, inasmuch as an extensive textual tradition on the royal Nepalese Navarātra exists.

Besides the historical documents which are the focus of the present contribution, many other categories of text can be drawn on. In Sanskrit digests (*nibandha*) references to the calculation of timings, ritual speech and action etc. have been accumulated from other Sanskrit works. They provide the authoritative framework on which actual procedures can be based or by which it can be legitimised. Handbooks (*vidhi/paddhati* etc.) guide the specialists and lay out the ritual step by step, at least as far as priestly action is concerned. They can be bilingual and either short or more extensive. Diaries (*ghaṭanāvalī*, New. *chāta/thyāsaphu*), mostly written in the Late Malla period, above all record the auspicious timings (*muhūrta*, Nep. *sāita*) calculated for certain

2 One exception is Chaulagain 2013.

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central elements of actual court performances. They note, moreover, adaptations of the Navarātra rituals owing to external factors, such as the overlap of a period of impurity or other unusual circumstances. As Y. Raj elaborates in this volume, the diaries usually lack narrative structure and just present the "bare particulars about when, what and how something happened" (Raj in this volume, p. 137), whereas the dynastic chronicles (*vaṃśāvalī*) recount historical incidents related to the festival within a more elaborate narrative framework (see Raj 2012). Finally, there are inscriptions, often bilingual, which are usually set up in public places to record endowments for initiating, organising and financing the rites.

These groups of texts are interrelated and the boundaries are not always clear-cut. Digests can work as templates or as reference points for the handbooks. Diaries sometimes tend in the direction of handbooks, and sometimes of chronicles, while the latter in turn may directly draw on diaries.[3] Certain types of documents (such as royal edicts) share features with inscriptions, though material (paper vs. more durable material) and repository sites (offices, homes and archives vs. public places) differ. They for instance use the same verbal frames, such as the eulogy of the king (*praśasti*) at the beginning or the eschatocol at the end. Cross-referencing between inscriptions and documents is very common. In the Śāha period, the issuing of a royal deed on copperplate (*tāmra-* or *tāvāpatra*) usually went along with issuing the same text as a paper document bearing the royal seal (*lālamohara*), both being part of a single validation procedure.[4] Authorised copies of inscriptions were made, as is, for example, the case in a grant of land made by King Gīrvāṇayuddha in VS 1856 (1799 CE) to finance worship of the "thrice venerable Mahāmāyā, presiding over the Navarātra" (*navarātrādhiṣṭhātṛśrī3mahāmāyā*) at Gorkha. The copperplate of the grant is attached to the door of Kālikā's sanctum at Gorkha palace

3 This is the case in a section on the history of Patan in the famous Buddhist *vaṃśāvalī* written in the 19th century, starting with the entry of NS 767, the second day of the dark half of Jyeṣṭha (*Nepālikabhūpavaṃśāvalī* I, p. 104). This passage constitutes a Nepali rendering of a passage which exists in a *chāta* text in Newari (private ms.) and in a Sanskrit version kept in the Hodgson collection (British Library MSS Eur Hodgson, vol. 27, item 10, *Rājapadavī*, 74–88). A closer comparison of the three textual versions and their (sometimes significant) variants must be reserved for another study.

4 A *lālamohara*, issued in 1807 (VS 1864) to Badhuvā Nagārci (NGMPP DNA 13/31), which concerns an endowment for the upkeep of two banners (*niśāna*) and three long trumpets (*karnāla*) offered to Degutalejyū, is an example. The attending copperplate in possession of the Nagārci in charge of the *nagarā* drum at Hanumandhoka has been transcribed by G. Vajrācārya (1976: 267–269).

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(D. Vajrācārya/Śreṣṭha 1980: 277–280), while a certified copy, made in VS 1960 (1903 CE, NGMPP K 120/20, along with a preceding note microfilmed as K 120/21), was sent from Gorkha palace to the Guṭhī Bandobasta Aḍḍā, the office then responsible for the management of *guṭhīs*.

The aforementioned texts disclose information about the prescribed ritual procedures and bear witness to the *in situ* performances. Of course, they do not testify to what was 'really' going on; rather, they represent what was expected to occur or is reported as having happened. In them one encounters an official version of events. Elite perspectives, primarily those of priests and patrons (i.e. Brahmins and kings) are privileged. Still, different texts have different perspectives and address different readerships. Placing them into dialogue with each other may allow one to read beyond their actual content.

The present paper is a preliminary exploration of what documents are able to tell us about royal Navarātra practices. "Documents" are here conceived pragmatically as all official paperwork produced in the Śāha period. This paperwork is in itself an inhomogeneous collection, comprising various types of charters, letters and files (see the introduction to this volume). The corpus under scrutiny is the one microfilmed under the NGMPP. More specifically, I will focus on what these documents, in dialogue with other texts, are able to disclose about the process of the Śāhas' adoption—or let us call it more fittingly in the present context, 'conquest'—of defeated kings' Navarātra rituals.

Dasaĩ, Warfare, and Victory

The nexus linking Navarātra/Dasaĩ with conquest, victory, and warfare lies at hand. In the Nepalese case, they are intertwined in various ways. Victory can be achieved on the occasion of Dasaĩ. Thus, according to the Śāhas' dynastic chronicles, rule over Ligligkot, the last fort before the conquest of Gorkha, was assumed by the founding king, Dravya Śāha, on a Vijayadaśamī, the tenth day of the festival, though not by military force, but by winning a race.[5] Sanskrit texts declare that to march against one's enemies on a "Victorious Tenth" when the moon is in the lunar mansion of Śravaṇa brings victory and peace (Kane 1958:

5 See e.g. *Gorakṣasāhavaṃśa* 1.64–75; Hasrat 1970: 102; for a discussion, versions and further references, see Lecomte-Tilouine 2009: 96–97.

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190), though Vijayadaśamī is more well known as the day on which the season of warfare is ritually inaugurated.

Navarātra is a textually endorsed period during which a reigning king's powers are regenerated or a new ruler is inaugurated (Krauskopff/Lecomte-Tilouine 1996: 26–28). Corresponding practices are also attested for the Nepalese Malla dynasty. According to the 14th-century *Gopālarājavaṃśāvalī* (fol. 54), Jayasthiti Malla, coming from the south, entered Bhaktapur on the 9th of the bright half of the month of Āśvina in NS 474 (1354 CE), i.e. on Mahānavamī. Furthermore, as diaries, handbooks, and court protocols attest to, the Malla kings received an initiation (*dīkṣā*) on Vijayadaśamī.[6]

Victory can be achieved not only on the occasion of the Navarātra festival, but also through performing the attending rituals. I touch on the topic of *khaḍgasiddhi*, dealt with more elaborately elsewhere (Zotter 2016a, 2016b), only briefly here. *Khaḍgasiddhi*, "success of the sword", is known as one of the special powers (*siddhis*) attained through Tantric practice. It featured centrally in the Mallas' royal Navarātra rituals. In the palaces, a sword was set upon the 8th (*khaḍgasthāpanā*), received sacrifices on the 9th (*khaḍgabhoga*), and was paraded on the 10th (*khaḍgajātrā*) day of the festival. It was in the course of that procession that both the king and the Mother Goddesses protecting the realm were empowered with *khaḍgasiddhi*.

Swords as attributes of the Goddess and the king, and as instruments in sacrifice and war, were similarly important for the Śāhas and their Gorkhālī army, as epitomised in their royal seal (*lālamohara*) depicting a sword and bearing the legend *śrīdurgā bhavānī*. Narratives about the dynasty give expression to the pan-Indian topos of a founding king receiving a conquering sword from a goddess or an ascetic

6 Diaries quote the 10th of the bright half of Āśvina as the lunar date of the *dīkṣās* of the Bhaktapur kings Jagatprakāśa Malla (1655 CE, NS 775), Jitāmitra Malla (1676 CE, NS 796), and Bhūpatindra Malla (1688 CE, NS 808) (D.R. Regmi 1966: 54). These dates are confirmed in a court protocol relating to the said *dīkṣās* (NGMPP B 515/28), which also mentions earlier Bhaktapur kings' *dīkṣās* on the same lunar day (Trailokya, Jagajjoti, and Nareśa together with Kīrti Malla), but without giving the year. For Kathmandu, there are entries on princes' *dīkṣās* on Vijayadaśamī in 1676 CE (NS 796, probably of Pratāpa Malla's three sons) and of King Bhāskara Malla in 1708 CE (NS 828; G. Vajrācārya 1966). For an incomplete handbook, see NGMPP A 442/30, microfilmed as *Khaḍgajātrāvidhi* (fols. 96–117 extant, covering rituals from Navamī to Daśamī; fol. 117a: *iti śrīśrījujuyā dīkṣāyā khārakuthiyā vidhiḥ samāptaḥ*, "Thus ends the procedure [carried out] in the *khārakuthi* [i.e. 'thatched room'] for the *dīkṣā* of the twice venerable kings"). The Malla kings' *dīkṣās* seem to have been so various in type (e.g. others were staged on eclipse days) as to defy being addressed here further.

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(Lecomte-Tilouine 2009: 91; Sanderson 2007: 288–291). Before his conquest of the Kathmandu Valley, Pṛthvīnārāyaṇa is said to have performed a ritual to acquire *khaḍgasiddhi* in Benares and to have afterwards received a sword from a Yogi (Acharya 1978).[7]

The motif of a sword ensuring success can also be traced in documents. In VS 1862 (1805 CE) King Gīrvāṇayuddha sent a sword to Kājī Aṃvara Sīṃ Thāpā,[8] who at that time was in charge of the Western Command and one of the heroes of the Gorkhālī fighting force (Doc. 1 in the Appendix):

> As the astrologers (*jaisīharu*) have given the advice that it will be very good if a [single-]handed sword of mine is sent [to you at the] auspicious moment (*sāīta*) of Vijayadaśamī, [I have] given [the necessary] orders, and a Khurāsān sword of mine, which [I] kept at [my] waist while performing worship (*pūjā*) according to the rules on *khaḍgasthāpanā*, has been sent to reach you through the hands of Subedāra Caṃdrabhāna Khatrī. Keep it with you at your waist. Remain in a state of devotion (*niṣṭaisīta*) as long as this sword is [at your] waist. Let it remain at [your] waist even when there are official tasks [to do]. There will surely be victory (*phateha*).
> Thursday, the 10th of the bright fortnight of Āśvina [in the Vikrama] era year 1862 (1805 CE). Auspiciousness.

The occurrence of the term *khaḍgasthāpanā* may suggest that the Śāhas took over or at least adapted some of the elements which were part of the royal Navarātra as performed under the Mallas (see next section). At least the handbooks and digests on Navarātra written in the Śāha period that I am aware of so far do not mention the "setting up of the

7 The scene of a Yogi handing over a sword to Pṛthvīnārāyaṇa is depicted in a monastery of the Nātha tradition in Chaugera, Dang (Krauskopff 1996: 207, photo 2).

8 Two persons of the same name were active as military commanders at that time. Stiller writes: "Nepali documents rarely distinguish between the two, and many English writers of that period seem to have completely confused them. To add to the confusion, both of these commanders were active in Kumaon at various times" (Stiller 1973: 218). Their names occur with the same variance in spelling (Amara/Aṃvara/Ambara Siṃ/Sīṃ/Siṃha) and they even exchanged letters, one of which has been edited by M. Panta (1966). One Amara Siṃha Thāpā (VS 1816–1871) was the father of Bhīmasena Thāpā and commander of Palpa (ibid.: 48 n. 1); the other, the famous conqueror and David Ochterlony's adversary (ibid.: 48 n. 2). As the present document uses the title *kājī*, it seems more likely that the latter Amara Siṃha Thāpā, the Nepalese war hero known as Būḍhākājī, is being addressed.

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sword".[9] Be that as it may, what the letter announces to Aṃvara Sīṃ Thāpā can be correlated with what is promised for the achievement of *khaḍgasiddhi*. At first, it may surprise one that, in the royal letter, the receiver is not advised to use the sword in battle, but only to keep it at his waist, but this, together with the injunction to remain in a state of devotion, can be justified through Sanskrit texts that rule that the sword empowered by *khaḍgasiddhi* is not to be used in battle.[10]

On a more general level, the document raises the question of what the role of a commanding general of the Nepalese army implied. Did he actually fight at all? What at least can be said is that the image of the general with a ritual sword at his side to ensure the success of his command strikingly tallies with the description of the same Aṃvara Sīṃ's behaviour on the battlefield ten years after the sword document was issued. It is found in a British account of a battle in the Anglo-Nepalese War in April 1815:

> Umur Sing [i.e. Aṃvara Sīṃ Thāpā, AZ] himself also resolved to appear in the field with his youngest son … in order to encourage and support the attack.… [T]he British position … was attacked at once on all sides where it was accessible just at daybreak, on the morning of the 16th of April. The Nepaulese came on with furious intrepidity.… Umur Sing stood all the while just within musket range with the Nepaulese colours planted beside him, while Bhugtee [i.e. Bhakti Thāpā, AZ] was everywhere exciting the men to further efforts. (Smith 1852: II, 10–11)

9 These practices may, however, be connected with the Bhadrakālīpūjā, which Chaulagain calls "[o]ne of the most esoteric rituals" (2013: 155) and is performed for the Śāha kings in the night of the seventh day of the festival. In its course "weapons employed during the conquest of Gorkhā in 1559 and of the Kathmandu Valley in 1767/8" are "smeared with vermillion powder and raised (implanted) … in the *pūjā* room for *khaḍgasiddhi*" (ibid.: 156).

10 Sanskrit texts differ on this point. The *Mahākālasaṃhitā* (*Kāmakalākhaṇḍa* 6.115–117) says it should be carried in one's hand, and if one marches into battle, victory is secured. The carrier should only wave it; it then cuts down enemies by itself. Thus the empowered sword does actually kill. In contrast, *Merutantra* 29.82 advises one only to carry the sword, without using it to kill. Whether, in the Malla period, the swords worshipped during Navarātra were used in battle cannot be completely ruled out. But given their ceremonial function up to the present day, for which purpose they are all well taken care of at specific locations in the three palaces and have custodians who release the swords to participate in all major festivities of the old Malla realms as substitutes for the actual Malla kings, it is more likely that these ceremonial swords were used neither in battle nor in sacrifices; cp. M. Lecomte-Tilouine's (1996) remarks on the different types and functions of swords during Navarātra at Isma (Gulmi).

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It is not known whether Aṃvara Sīṃ received the king's sword at all, whether he carried it, and if so, for how long. Still, one might assume that the commander's widely praised bravery and his power to encourage his men by "standing immobile on the hillside just within the range of musket fire from the Company position" (Burghart 1996: 223) derived in part from his conviction that Durgā was at his side. That Dasaĩ, and particularly Vijayadaśamī, was a meaningful ritual occasion for this commander is also evinced in his donation of a silver door panel (*kapāṭa*) and ornamented arch (*toraṇa*) he had his son Raṇadhvaja Thāpā make to Paśupatinātha for him on Vijayadaśamī in VS 1871 (1814 CE; D. Vajrācārya/Śreṣṭha 1980: 578–581).

That very same Dasaĩ of VS 1871 was a memorable date for the Gorkhālī army, as it marked the beginning of the Anglo-Nepalese War. As M. Panta (1964: 48), citing the personal diary of the famous astrologer and court pundit Daivajñaśiromaṇi Lakṣmīpati Pā̃ḍe, has remarked, the British took advantage of the Gorkhālīs being busy celebrating Dasaĩ to move their troops from the 7th (*saptamī*) onwards and to attack the fort of Nalapani on the 11th of the bright month of Āśvina.

Thus there is evidence for an intimate connection between ritual, particularly Dasaĩ, and actual warfare in the period of the Gorkhālī expansion. To say that war was ritual may be too farfetched, but war, including deliberations pertaining to war, was often engaged in in concert with ritual action and underpinned by it. Royal astrologers were consulted before any battle. In dynastic chronicles, such as the *Gorakṣaśāhavaṃśa*, Brahmins devote themselves to ritual practices, such as *mantrajapa* or *puraścaraṇa*, whenever fighting is impending. In the Gorkhālīs' wartime litany, it was particularly Durgā who was invoked and worshipped to render the king victorious. In a Nepalese Sanskrit poem on the Anglo-Nepalese War studied by B. Kölver (1986) this is one of the means advanced to ensure the Nepalese king's defeat of the British. As Kölver (1986: 10–12) rightly stresses, what at first sight appears to be a common stereotype from Hindu rulers' repertoire of rhetoric was, in the case of the Gorkhālīs, made part of the actual military *modus operandi*.

Furthermore, the celebration of Dasaĩ, and particularly the buffalo sacrifices to Durgā and to military banners (*niśānapūjā*), was strictly observed every year in each military company. A regiment's colours present on the battlefield were renewed on this occasion and impressed with bloody handprints (Chaulagain 2013: 180–183). Lists of officers who slayed buffaloes were kept and sent to the central authorities (see

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below). Studying more systematically how the state rituals performed at Dasaĩ were woven into military life and war strategy thus promises to be a fruitful line of research.

Conquering Palaces, Deities, and Rituals

In light of the close connection between Dasaĩ and warfare, it is not surprising that the Navarātra rituals of former royal houses, plausibly regarded as potentially dangerous sources of power, came to be integrated into the Śāha kings' rituals. As R. Burghart (1996: 220–221) has shown for rituals and deities in general, and G. Krauskopff and M. Lecomte-Tilouine (1996) for Dasaĩ in particular, to step into the ritual shoes of defeated kings was used as a strategy to deprive them of their power.

> The king integrated the kingdoms of his realm by forming an unmediated personal relation with the deities of the lands he conquered. (Burghart 1996: 221)

As Burghart remarks further, this was achieved by confirming the tenurial rights of the territorial deities. He interprets this acknowledgement not primarily as a legal act, but as a sign of the conviction that the deities' claims to the territory were preeminent and needed to be respected. Among other things, this meant that, to a large extent, the rituals went on effectively as before, with even specialists being left in place. Local performances turned into glorifications of the past (Krauskopff/Lecomte-Tilouine 1996: 30–31), as places such as Argha (Ramirez 1996) or Isma (Lecomte-Tilouine 1996) illustrate. This also holds true for the Kathmandu Valley, where the old Malla rituals at the courts of Bhaktapur (Levy 1990: 523–563) and Patan (Toffin 1996) largely remained intact. Thus, to add to Burghart's remarks, the Śāha kings gave their nod not only to the tenurial status of the deities in the conquered territories, but also to the efficacy of local worship practices.

The palace of Kathmandu, however, was an exceptional case, because the Śāha kings moved their capital from Gorkha to Kathmandu and laid claim to the earlier dynasty's palace, together with its deities and rituals. What did this imply for the ritual complex of Navarātra? Though the two royal dynasties in question, broadly speaking, had a common religious affiliation—their Brahmins followed the same Vedic

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school, both considered themselves Shaivite Tantrics and referred to often the same textual authorities—their ritual cultures were notably different, and they engaged different groups of ritual specialists.

From looking into handbooks, digests and diaries, it becomes apparent that this holds good for the celebration of Navarātra, too.[11] In the Malla palaces, Ugracaṇḍā, an 18-armed form of Durgā Mahiṣāsuramardinī, was invoked into a *maṇḍala*. The central goddess was surrounded by a group of eight 16-armed Caṇḍās. As palace handbooks dictate, in the course of the Navarātra performances the Mallas' royal goddesses and those of their forebears all had to be worshipped as this Ugracaṇḍā. At the same time, the same configuration of goddesses worshipped inside the palaces became alive in urban space, with the awakening of the Navadurgāgaṇa, who shifted from their aniconic seats spread out in protective circles around the three royal cities of the Kathmandu Valley into the bodies of human dancers from the subcaste of gardeners (called Gathu or Mālākāra), their transformation being completed on Vijayadaśamī when the Navadurgāgaṇa received *khaḍgasiddhi* from the central goddess. In Bhaktapur and Patan, this forms part of the annual Navarātra program, whereas in Kathmandu, the awakening of the Navadurgāgaṇa happens twice in twelve years only, and included the leading deity exchanging swords with the king (Zotter 2016a, 2016b).

In contrast, the Śāhas worshipped their protective goddess Kālikā at Gorkha Palace as a ten-armed form of Durgā Mahiṣāsuramardinī. As in the case of the Mallas, a sacred topography came into play. Kālikā is conceived as the eldest of Seven Sisters worshipped at strategic points in the Gorkha kingdom. On the occasion of Dasaĩ, these spatial markers of the realm are activated by an exchange of offerings between the sisters and the reception of tributes by the 'senior' and central goddess (Unbescheid 1996).

But not only the forms of the goddess(es) worshipped and their local embedding, but also, as already indicated above, the ritual procedures differed markedly between the two dynasties. While the Mallas' practices, apart from worshipping the goddesses within a mandalic configuration, focused on the sword, which was worshipped and paraded about, the Śāhas' practice featured elements known from East India (see Rodrigues 2003; Sarkar 2012), including setting up a jar on the

11 The following three paragraphs summarise details elaborated in Zotter forthcoming.

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first day, invoking the goddess into a branch of the wood-apple tree (*bilva*, *Aegle marmelos* L.) on the sixth, introducing a bundle of nine plants into the worship area on the seventh (*navapatrikāprāveśa*, Nep. *phūlpātī*), sacrificing on the eighth and ninth, and dismissing the deities on the tenth.

So what happened when the two dynasties' festival practices came into contact with one another in the palace of Kathmandu? Were two rituals performed side by side by two groups of specialists, or were they somehow conflated? That is, do we witness a simple process of accretion, or else did some Malla practices fall away, while others were taken on board by new specialists? Concerning these points, such sources as handbooks can be expected to remain silent, since they address specialists of either the one or the other ritual culture. Observational data clearly point to the fact that indeed two teams of specialists were (and in some cases still are) working according to the court procedures of the two separate dynasties. New ritual arenas were created under the Śāha kings, such as the royal *dasaīghara* newly established as an attachment to the Mūlacoka.[12] It is to be hoped that the process of 'conquering' deities and rituals, and of confirming or redefining ritual duties and rights, can be elucidated by reading documents. The mention of *khaḍgasthāpanā* as being meaningful for King Gīrvāṇayuddha already points in that direction, but there is other, more concrete evidence, too. Initial searches of the documents in the NGMPP corpus have, for example, turned up *lālamoharas* issued to re-establish *guṭhīs* to finance both the regular and occasional worship at Talejyu and Digutalejyu, two of the main temples in the Kathmandu palace complex devoted to the goddess(es) who were the focus of Malla kings' veneration. These charters are almost identical in wording and are each accompanied by a list of items (Nep. *sārajāma*) needed for the rituals.[13] In their *narratios*, as expected, they confirm earlier kings' endowments to the deities, listing the names of royal donors from the Malla period. They also list the rituals to be performed daily or on special occasions during the year, thus establishing the continuity of ritual practice. It is to be noted, however, that these charters were only issued in 1776 CE

12 A royal charter dated Thursday, the 2nd of the bright fortnight of Āṣāḍha in VS 1849 (1792 CE) issued in the name of King Raṇabahādura announces a reward (*inām*) to Lakṣmīnārāyaṇa Putuvāra for constructing the *dasaīghara* (NGMPP K 625/39); see Doc. 2 in the Appendix.

13 The *lālamohara* microfilmed as NGMPP DNA 12/48 lists the *pūjā* items required for Talejyu, and NGMPP DNA 12/51 those for Digutalejyu.

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(VS 1832, 5th of the bright fortnight of Māgha) to "fivefold venerable Talejyu" and in 1777 CE (VS 1833, 5th of the bright fortnight of Phālguna) to "fivefold venerable Digutalejyu", that is, eight or nine years after the conquest of Kathmandu, under the second Śāha king of Kathmandu, Pratāpa Siṃha. The two documents specify:

> हामीले नेपाल अम्बल गर्दाका बिचमहाँ धुमधाम् हुनाले गुठका खेत बाँधा-बित्ता-जागिरभित्र पर्याको थियो । नेपाल हाम्रो अम्बल भयापछि आफ्ना तरफबाट हामीले सबै गुठका खेत – – – कन गुठ चह्राइँ
> Because there was turmoil when we created the district (*ambala*) of Nepāla, fields belonging to trusts (*guṭha*) fell among [land] mortgaged (*bāndhā*), donated (*birtā*), or assigned as remuneration (*jāgira*). [Now,] after Nepāla has become our district (*ambala*), we offer a trust (*guṭha*) to N.N. (i.e. Talejyu and Digutalejyu individually), [providing] all *guṭha*-fields from our own side. (NGMPP DNA 12/50 ll. 12–16; and DNA 12/47 ll. 8–11, with minor spelling variants)[14]

Thus the story told by these documents is not as rosy as suggested before. Apparently, the tenurial rights of the deities were confirmed, but only some years after the conquest, the original landholdings of the temples having been alienated in between, with probably an attendant loss of funds for performing the temple rituals. So the question arises: What happened to these rituals in this intermediate period?

That at least some of the Mallas' Navarātra rituals may actually have been discontinued following the change in dynasty is remembered as having impacted the *khaḍgasiddhijātrā*, the sword procession and exchange on Vijayadaśamī performed twice in twelve years. The Gathus, the group from which the Navadurgā troupe is still recruited, report that the ritual was discontinued under Pṛthvīnārāyaṇa and restarted only under his grandson, Raṇabahādura (Zotter 2016b: 240). Interestingly, such breaks are not addressed in the official versions of events. On the contrary, dynastic chronicles for one stress the continuity of rituals and have the deities favouring new rulers and sanctioning dynastic change (Michaels et al. 2016: 219). The phrasing of the two charters to Talejyu and Digitalejyu might also be read in this way. The reference to the "turmoil" (*dhumdhām*) during the conquest and the

14 I have refrained from preparing complete editions for the appendix. That they deserve much greater attention can be inferred alone from their lengths of 6.56 and 3.88 metres respectively.

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accompanying 'fortuitous' co-opting of trust lands may have been a verbal attempt to downplay and smoothen over suspensions of court rituals and represent the Śāha kings as upholders and just heirs of the Malla rituals.

The charters may also contain implicit evidence of fairly pervasive refashioning of Navarātra practices and of the temples to goddesses at the Kathmandu palace. In the *lālamohara* to Talejyu, the rituals for the autumnal Navarātra (Nep. Baḍādasaĩ) are explicitly excluded (NGMPP DNA 12/48 ll. 5-6). They are excluded too in a similar charter issued in favour of a "fivefold venerable Bhagavatī brought to Kathmandu from Nuvakot" (*navākoṭabāṭa kāṃtipuramahã lyāyākā śrī5bhagavatījyu*).[15] This *lālamohara* is written in almost the same wording as the other two documents and was issued in between the charters to Talejyu and Digutalejyu in VS 1833, the 15th of the bright half of Śrāvaṇa. Thus the years VS 1832–1833 (1776–1777 CE), that is, the period following the death of the founding king Pṛthvīnārāyaṇa Śāha in VS 1831 (Māgha, 10th of the bright fortnight, Makarasaṃkrānti, i.e. January 1775), were perhaps formative for the recalibration of Navarātra at Hanumandhoka. The second Śāha king of Kathmandu regulated the funds for two royal goddesses of the Mallas and the one recently introduced from Nuvakot, another capital of the Śāhas, in virtually the same breath. In these regulations, the ones having to do with Baḍādasaĩ are set aside, but given the centrality of the festival their funding was probably regulated by separate royal charters.

Another point, on which handbooks usually remain silent, is what specialists were involved apart from the users of the handbooks (i.e. the priests). There too, documents may provide invaluable insights. There is a document, issued in VS 1933 (1876 CE), which speaks about the funds for and the service period of Daitya and Kumāra, the two deities, embodied in boys of the Newar community, who accompany Taleju in her processions during Navarātra.[16] The *lālamohara* refers to several earlier royal edicts on the subject, the earliest issued in 1776 CE

15 NGMPP DNA 12/47. Navākoṭa is Nuvakot, and Kāṃtipura is Kathmandu. The accompanying list of *pūjā* items has been microfilmed as NGMPP DNA 12/52. The goddess, who is also called Kanhehola- or Kaḍelcok Bhagavatī from her location in the palace, is said to have been brought to Kathmandu by Pṛthvīnārāyaṇa Śāha himself (G. Vajrācārya 1976: 58). For legends surrounding the transfer of the goddess and her connection to the goddesses at Nuvakot and Manakāmanā, see Unbescheid 1985: esp. 106–108.

16 NGMPP DNA 12/56; for the roles of the Daitya and Kumāra dancers in Navarātra, see Hoek/Shrestha 1992.

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(VS 1832, 14th of the bright fortnight of Śrāvaṇa), thus pointing to an initial regulation under Śāha rule in the same period as the above-mentioned *lālamoharas* were issued. Much work will be required in order to answer the question of who was employed by whom and when for which part of the rituals, as there are numerous documents still to be explored regarding the trusts of the different goddesses worshipped by the palace through its specialists.

Exercising Patronship

By assuming financial responsibilities for Navarātra rituals, the Śāha king became the realm's central ritual patron (*yajamāna*). This function, however, involved not only the provision of funds; it also called for his participation in the actual practice. Obviously, the ruler could not attend all Navarātra rituals performed on his behalf throughout the realm in person. Even in the palace of Kathmandu and the Valley, his presence was limited to certain moments in certain rituals.[17] First insights into documents attest to yet other ways to exercise patronship.

The first strategy concerns the timings of the rituals. Festivals are usually precisely fixed in time. Thus the performance of the autumnal Navarātra is bound to the first ten lunar days (*tithi*) of the bright fortnight of the autumn month of Āśvina. As lunar and solar days do not tally, a lunar day (defined as one-thirtieth of a synodic month) ranging from about 19 to 28 hours and being in the majority of cases shorter than a solar one, the timings are different every year. Their determination is a specialists' occupation, and schools of thought may differ. But not only the general time frame has to be fixed; certain key actions, too, must be performed at precisely computed auspicious moments (*muhūrta*).

In royal Nepal, the calculations of the time frames and *muhūrtas* (Nep. *sāita*) of festivals were made by court astrologers serving in a governmental committee responsible for officially fixing and approving these timings, the Nepāla Rājakīya Pāñcāṅganirṇayaka Samiti.[18] Nowadays these *sāitas* are announced in the newspapers. The timings for the Navarātra in 2015 included: two moments for the first day (for

17 For implications of the king's personally attending certain rituals and not others, see Zotter 2016b.

18 The history of this institution, which was presided over by the main royal astrologer and still exists (having dropped the attribute "royal"), has yet to be studied.

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sowing barley seeds and hoisting the national flag), the fixing of the procession of Pacalībhairava on the fifth, a *sāita* for the procession of Taleju and the putting her to rest at exactly the same moment when the *phūlpātī* is introduced into the royal *dasaīghara*, the determination of *kālarātripūjā* on Mahāṣṭamī, a *sāita* for the conclusion of worship on Mahānavamī and a *sāita* for receiving the blessing (*ṭīkā*) on Vijayadaśamī.[19] At the present state of research it is difficult to judge whether this list remained stable from the beginning of Śāha rule from Kathmandu, but documents bear witness to the fact that even before the rise of mass media the Navarātra *sāitas* were communicated to state officials throughout the realm. For example, in VS 1868 (1811 CE) "Ambar Singh Thapa"[20] writes to Bhīmasena Thāpā and Raṇadhvaja Thāpā from Srinagar, Palpa, reporting on construction work and requesting information regarding the auspicious timings for the Navarātra rituals. The respective passage reads in Regmi's translation:

> It will be good if you send an order for impressing Jhara labor in villages other than those assigned for the transportation of mail (Kagate Hulaki), as well as for magazine and gunpowder factories, as well as a note regarding the auspicious moments at which different functions are to be performed at the palace from the Pratipada to the 10th day of the moon during the Dashain festival, which will occur soon now. (M.C. Regmi 1971: 217)[21]

Centrally fixing the time frames meant that the Navarātra celebrations throughout the country were synchronised so as to conform in their temporal unfolding to the rituals carried out by (and for) the Śāhas at the capital. At first sight, this may appear a minor point, but in royal Nepal appropriate timing was essential. Any important act by royals or other individuals were performed in accordance with stellar constellations; astrologers were important court counsellors.[22] In the Sanskrit digests on

19 See e.g. http://thehimalayantimes.com/kathmandu/greatest-hindu-festival-dashain-to-begin-with-ghatasthapana/ [accessed 2 May 2016].

20 The name is quoted as given by Regmi. The sender of the letter was probably Amara Siṃha Thāpā, father of Bhīmasena Thāpā and an historically attested governor of Palpa (M. Panta 1966: 48 n. 1). For the problem of the two Amara Siṃha Thāpās, see n. 8 above.

21 The letter is dated 2nd of the dark fortnight of Āśvina VS 1868 and is found in *Regmi Research Collection* 37: 210–211 (NGMPP E 2442/1). This text is not yet accessible.

22 For more on the importance of timing public actions and about the profession of astrologers in Nepal, including in a historical perspective, see Kropf 2005: 53–70.

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Navarātra, too, the calculation of proper timings (*nirṇaya*) is discussed extensively. As a preliminary engagement with the recalibrations of the *sāitas* for the Navarātra rituals in the palace of Kathmandu suggests (Zotter forthcoming), fixing the *sāitas* was an important step in adopting the former kings' rituals and establishing authority over their performance.

Another way for the Śāhas to make the major celebrations throughout the country depend on their central authority and to exercise patronage was to have *prasāda*, offerings made to and blessed by the main local deities, sent to the king. This has been noticed by anthropologists, such as J. Pfaff-Czarnecka (1996: 81) in the case of Belkot, and P. Ramirez (1996: 231) in that of Argha. Documents show that this practice goes back right to the beginning of the Gorkhālī state. Together with the *prasāda*, lists of all officials who sacrificed buffaloes were typically dispatched.[23] In addition to the two documents sent by Badarībāṇa Sāhī from Salyan in VS 1877 (1820 CE) and by Khaḍga Bahādura Kũvara Rāṇā in VS 1905 (1848 CE) (respectively Docs. 3 and 4 in the Appendix), there is more such evidence in letters sent in VS 1870 (1813 CE) and VS 1871 (1814 CE) from Palpa. In the former case, Amara Siṃha Thāpā (here probably the father of Bhīmasena Thāpā) reports on the successful completion of Dasaĩ at the Palpa court and of the worship at the military arsenal (*kotapūjā*) of the military units. He announces the submission of a list of the buffaloes sacrificed, and payment of the *ṭīkābheṭī* levy imposed on all army officers as well.[24] The second letter brings us back to the memorable Dasaĩ of VS 1871 (1814 CE). Kṛṣṇānanda Khaṇḍuḍi and Dhanavīra Thāpā, stationed at Palpa, report that the sending of the Dasaĩ *prasāda* has been delayed by five to seven days taken up with supplying munitions for Nalapani.[25]

23 For the sacrifices at the Kathmandu palace, a few such lists of buffalo sacrifices are preserved in the NGMPP corpus (e.g. E 2767/49, 2775/40, 2776/1, 2779/19, 2784/1) from the period 1829–1851 CE (VS 1886–1908). Interestingly, they not only record the names and sequence of slayers but also the types of sword used (*khuḍā*, *tarovāra*, or *khukurī*), whether one-handed or two-handed, and whether the decapitations occurred with a single stroke.

24 Letter from Amara Siṃha Thāpā to Bhīmsena Thāpā and Raṇadhvaja Thāpā, dated Wednesday, 11th of the bright half of Āśvina, VS 1870 (NGMPP DNA 2/81; ll. 13–18).

25 Letter from Kṛṣṇānanda Khaṇḍuḍi and Dhanavīra Thāpā to General Bhīmasena Thāpā and Kājī Raṇadhvaja Thāpā, dated 8th of the dark half of Kārttika VS 1871 (NGMPP DNA 1/13). The letter has been published by M. Panta (1965: 65–67), whose article was translated by M.C. Regmi (M.R. Pant 1979). The passage in question reads in the latter's translation: "Due to preoccupation with arrangements for the supply of munitions to Nalapani, there has been a delay of five or seven days in sending the ritual offering made at the Dashain ceremonies. Please forgive us for this delay. It will be reaching you soon".

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In receiving *prasāda* from the major Dasaĩ performances throughout the country, the king was exercising his function as the central *yajamāna*. He was thereby uniting the blessings from the major deities of his realm within his own person, and so certifying the ritual efficacy of the Navarātra rituals performed "on the ground" as part of a long hereditary tradition.

Conclusion

While priests' handbooks are certainly the most informative sources on ritual details, other types of written material allow for insights into often neglected aspects of festivals, particularly administrative ones dealing with such matters as organisation, logistics, and sponsoring. Śāha administrative paperwork, together with other documents, attests to the fact that Navarātra was deeply imbedded in the apparatus of state. There is an intimate and often very concrete connection of its rituals to warfare. One may say that the achievement and maintenance of victorious rule through worship of Durgā during Dasaĩ formed part of the master narrative of the Śāha dynasty, which was spelled out in various ways and documented in various sources. More concretely, the Dasaĩ rituals or parts thereof were acknowledged as legitimate tools of warfare, the arenas of ritual and battle being closely interconnected.

Conquering earlier kings' realms, then, implied gaining control over their rituals and deities, as royal edicts to redefine patronage ties show. Apart from being instructive for the process of conquest itself, these charters contain much other information that needs to be explored, such as the specifics of materials and implements used in rituals. In the material list referred to in the royal edict on the re-establishment of the trust to Digutalejyu, the list of items needed for Dasaĩ alone numbers close to 150.

As shown above, the Śāha kings did not content themselves with just taking over patronage relationships of previous local rulers and with reconfirming or reassigning ritual duties among specialists; there were also other means of 'conquering' Navarātra rituals, testified to in official papers. Documents on the sending of *sāitas* to local officials and having them return *prasāda* and records of the buffalo sacrifices elucidate how one form of patronship was exercised annually. Thus it was not sufficient to *know* that the king was the realm's central ritual patron;

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large investments by the state were made to ensure that patronship was put into *practice*. The regular exchange of paperwork between the satellite sites of worship and the centre might, in the long run, be used to trace the topography of this process and also to establish a "Who's Who" of festival practices.

To take up Burghart's analysis of the Śāhas' ideology of rulership again, in which "the king subjectified the entire polity by conceiving of all persons who derived their livelihood upon his land as being members of a single body politic" and "objectified his agents of rule together with the ruled as the limbs of his body which the king, as mind, co-ordinated and commanded" (Burghart 1996: 222), we see that likewise the king's rituals came to integrate all Navarātra practices performed on his land, with all agents being coordinated by and dependent on the king and his priests. It should be noted, however, that control over the defeated kings' Navarātra rituals largely concerned framing structures, such as setting timings and receiving *prasāda*. Such measures put them under direct state control and made them appendage-like performances of what was practised at the heart of the realm. What happened apart from these few official constraints being observed was largely left up to the local performers. This strategy left broad scope for the actors on the ground to carry out their hereditary rituals. Thus rather than exporting and perpetuating a central model for the rituals and having it performed throughout the realm, the Śāha kings extended the 'body' of their rituals by taking on 'foreign limbs'.

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Appendix

Editorial Conventions

The texts are reproduced as closely as possible and only minimally invasive normalisations and corrections have been applied in order to enhance readability. Original spellings and line-breaks have been retained. Punctuation has been normalised. Middle dots are dropped. The various types of macrons and lines are uniformly represented by "- - -". *Daṇḍas* are introduced to mark the end of a sentence or a sentence-like syntactic unit. Hyphenation is introduced in cases where a single word runs over into the next line. For technical reasons, the so-called "eyelash-ra" is transcribed as र्.

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Editorial Signs

[रा]	editorial addition or correction
⟪रा⟫	scribal addition

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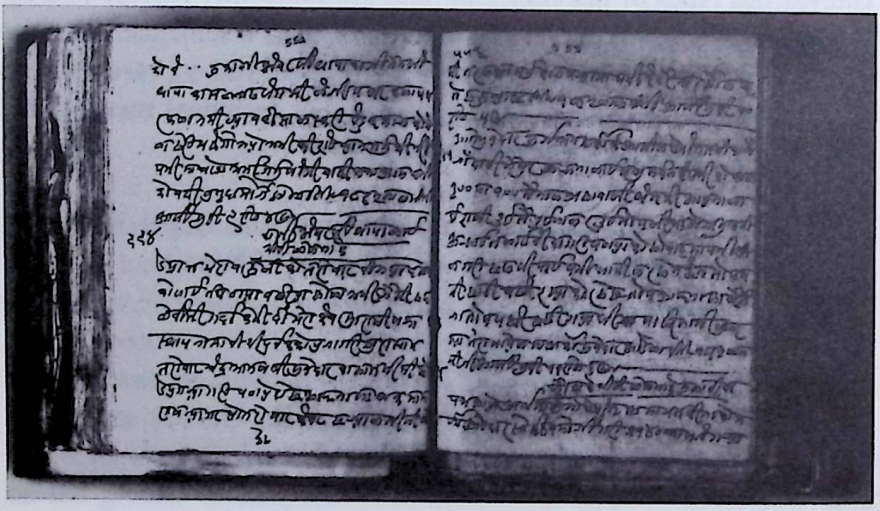
Document 1: A *Bhanāi* of a Letter by the King to Kājī Aṃvara Sīṃ Thāpā re the Sending of a Sword

Dated VS 1862, 10th of the bright fortnight of Āśvina (1805 CE); RRC vol. 6, no. 604, pp. 552–553; microfilmed as NGMPP E 2393/1; for the digital edition, see DOI: https://doi.org/10.11588/diglit.36604.

Facsimile:



Edition:

[p. 552]

९९४

1 काजी अंवरसीं थापा वर्मा।
चीठीको भनाइ।
उप्रान्त मेरा वाहुलीको तरोवार वीजयादश[मी]-
को साईत पठाया वढीया होला भनी जैसीहरु-
5 ले वींती गर्दा उर्दी दी मेरा कंवरमा राषी षड्ग-
स्थापनामा वीधीपुर्वकको पुजा गरी षुरासान
तरोवार चंद्रभान षत्री सुवेदारका हात तीमीछे-
उ पुगन्यागरी पठायेको छ। आफना साथ कमरमा
राषन्या गर। यो तरोवार कंवर छज्याल ती[मी] नीष्टै-

[p. 553]

1 सीत रहन्या गर्नु। काज पर्यामा पनी कंवरैमा रहोस। फ-
तेह हुन्या छ। मिति १८६२ साल मीती आश्वीं सुदी १०
रोस ५। शु।

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Translation:

[No.] 994[26]

[To:] Kājī[27] Aṃvara Sīṃ Thāpā Varmā.[28]

The main body of the letter:[29]

Uprānta:[30] As the astrologers (*jaisīharu*) have given the advice that it will be very good if a [single-]handed sword of mine (lit. "my hand's sword" *mero bāhulīko tarovāra*) is sent [to you at the] auspicious moment (*sāīta*) of Vijayādaśamī, [I have] given [the necessary] orders, and a Khurāsān[31] sword of mine, which [I] kept at [my] waist while performing worship (*pūjā*) according to the rules on *khaḍgasthāpanā*, has been sent to reach you through the hands of Subedāra[32] Caṃdrabhāna Khatrī. Keep it with you at your waist. Remain in a state of devotion (*niṣṭaisīta*) as long as this sword is [at your] waist. Let it remain at [your] waist even when there are official tasks [to do]. There will surely be victory (*phateha*).

Thursday, the 10th of the bright fortnight of Āśvina [in the Vikrama] year 1862 (1805 CE).[33] Auspiciousness.

26 This number probably refers to the number given in the register of the Lagata Phāta (Records Section) of the Department of Land Revenue in the Finance Ministry, from which the documents in the *Regmi Research Collection* were copied (M.R. Pant 2002: 70).

27 n. "an officer of ministerial rank superintending civil and military affairs" (M.R. Pant 2002: 133).

28 On the problem of two persons of the same name, see above n. 8.

29 Such remarks may have been added when Regmi's scribes made copies of documents in the Lagata Phāta. The present document probably was either an original *lālamohara*, or, more likely, a copy of a *lālamohara*, but in any case a version that presumably still contained the initial formalities, including *invocatio*, *intitulatio* etc.

30 conj. after that, besides, in addition to, hereafter. In earlier prose and documents, this word marked the beginning of a text or paragraph.

31 Swords from the Central Asian region of Khorasan have been very famous since antiquity (cf. entry on Sword in the 1911 Encyclopedia Britanica; https://en.wikisource.org/wiki/1911_Encyclop%C3%A6dia_Britannica/Sword [accessed 25 August 2017]).

32 Commander of a military company often placed in charge of a district.

33 Judging from the date, the original document was issued in the name of King Gīrvāṇayuddha.

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Commentary:

The document has previously been translated by M.C. Regmi (1989: 50). He renders *niṣṭaisīta rahanyā* as "remain ritually pure" and *kāja paryāmā* as "when fighting occurs." These translations render what may have been intended, but are at least imprecise. Even more loose is Regmi's rendering of the passage *khaḍgasthāpanāmā ... pujā garī.*

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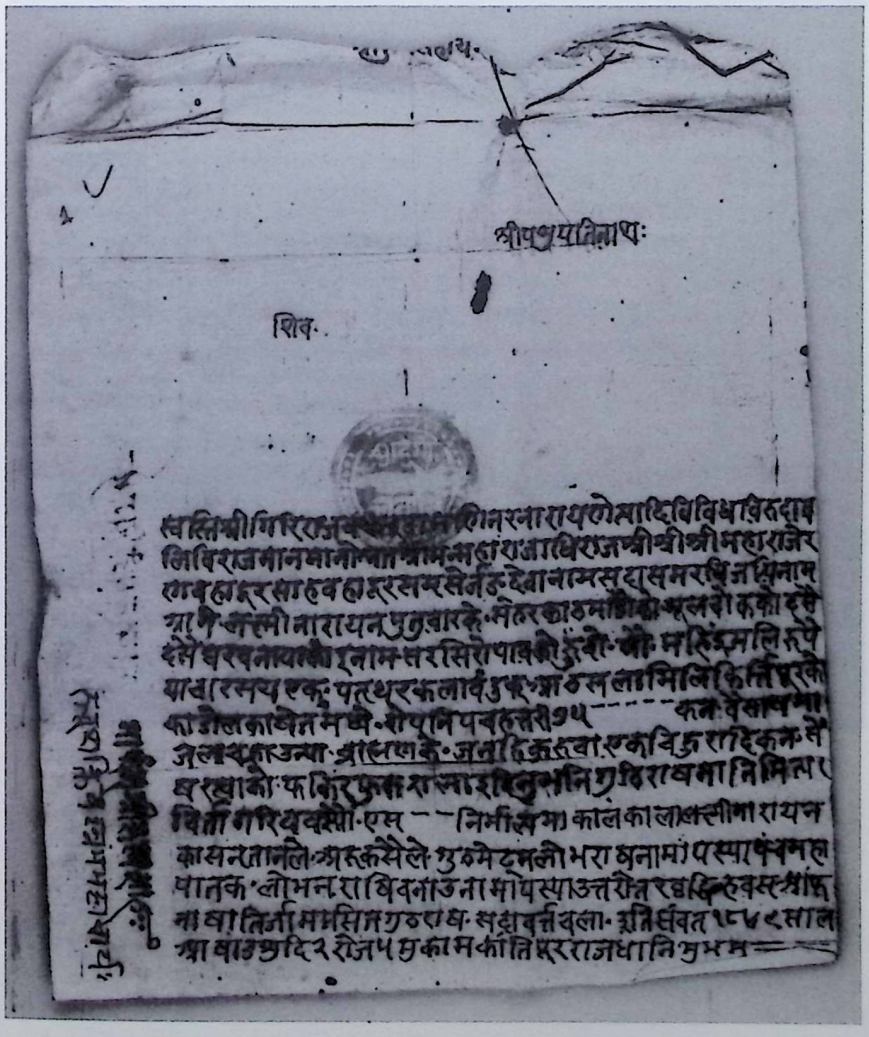
Document 2: A *Lālamohara* from King Raṇabahādura to Lakṣmīnārāyana Putuvāra re the Reward for Building a *Dasaĩghara*

Dated VS 1849, 2nd of the bright fortnight of Āṣāḍha (1792 CE); Guṭhī Saṃsthāna card no. 2 (Pa. Go. no. 104); Pa. Bam. Po. no. 19; microfilmed as NGMPP K 625/39; for the digital edition, see DOI: https://doi.org/10.11588/diglit.34880.

Facsimile:

Recto:



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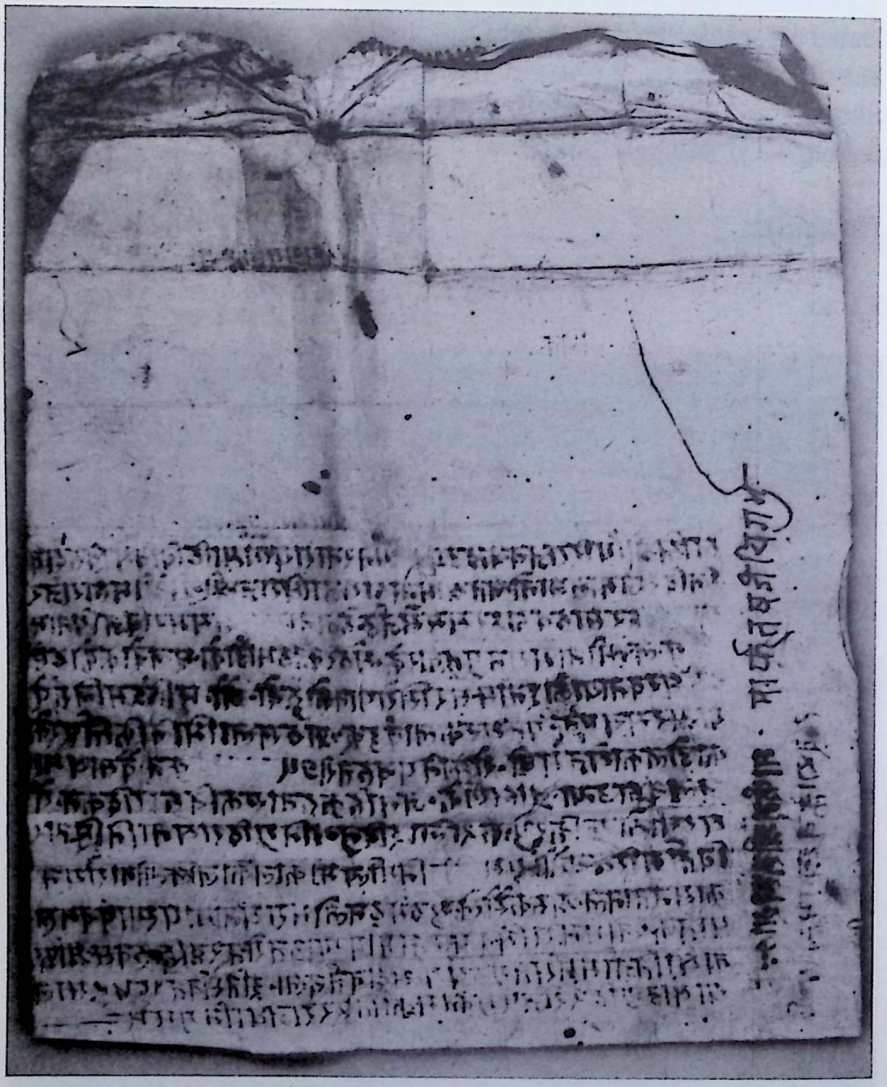
Verso:



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Edition:

[Recto]

[श्रीदुर्गास]हाय\

《1》

श्रीपशुपतिनाथः

शिव

[royal seal]

1 स्वस्ति। श्रीगिरिराजचक्रचूडामणिनरनारायणेत्यादिविविधविरुदाव-
लिविराजमानमानोन्नतश्रीमन्महाराजाधिराजश्रीश्रीश्रीमहाराजेर-
णबहादूरसाहबहादूरसम्सेर्जङ्देवानाम् सदा समरविजयिनाम्।
आगे लक्ष्मीनारायन पुतुवारके। सेहर काठमाडौको मूलचोकको दसै
5 दसैंघर वनायाको इनाम सरसिरोपावको हुँदो औ महिंद्रमलि रुपै-
या चारसयएक पत्थरकलावंदुक् आठ सलामि लि किर्त्तिपूरको
काडोलका षेतमध्ये रोपनि पचहत्तरी ७५ - - -कन वैसाषमा
जल चर्हाउन्या व्राह्मणके जन हि कुरुवा एक चिहुरा दिकन से-
ष रह्याको फकिरफुकरालाइ दिनु भनि गुठि राषना निमित्य
10 वित्तां गरिवक्स्यौं। एस् - - - निर्माल्यमा कालकाला लक्ष्मीनारायन-
का सन्तानले अरु कसैले गुठ मेट्न लोभ राषनामा पस्या पंचमहा-
पातक लोभ नराषि वनाउनामा पस्या उत्तरोत्तर वृद्धि हवस्। आफ-
ना षातिर्जामासित गुठ राष सदावर्त्त चला। इति संवत् १८४९ साल
आषाड शुदि २ रोज ५। मुकाम कांतिपूर राजधानि। शुभम् - - -।

[On the left margin]
मार्फत् श्रीकृष्ण साहः
रुजू शक्तिवल्लभ महाचार्यः

[Verso]
मार्फत षजंचि गर्भु

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Translation:

[Recto]

[May] Śrī Durgā help [us]!

Śrī Paśupatinātha

Śiva

[royal seal]

Hail! [A decree] of him who is shining with manifold rows of eulogy [such as] "The venerable crest-jewel of the multitude of mountain kings" and Naranārāyaṇa (an epithet of Kṛṣṇa) etc., high in honour, the venerable supreme king of great kings, the thrice venerable great king, Raṇabahādura Sāha, the brave swordsman, the divine king always triumphant in war.

Āge:[34] to Lakṣmīnārāyana Putuvāra.

As a reward for having built the *dasaīghara* for the Dasaī[-rituals] of the Mūlacoka of Kathmandu City, we [herewith] grant for [his] well-being (*hũdo*) a full *siropāva*-garment[35] and 401 *mahendramallī*[36] (text: *mahiṃdramali*) rupees while receiving an eight-gun (lit. "eight-flint-lock") salute; [in addition,] 75, [in words] seventy-five, *ropanīs*[37] of wet-rice fields (*kheta*) of the Kāḍola [neighborhood?] of Kirtipur as land grant (*birtā*) in order to set up a *guṭhī*[38] for the purpose of giving to mendicants (*phakiraphukarā*) what remains after giving one *kuruvā*[39] of flattened rice to the Brahmins who offer water to [Śrī Paśupatinātha][40] in [the month] Vaiśākha.

34 Lit. "henceforeward"; used in documents to mark the beginning of a text or paragraph.
35 [H.] n. long robe (from head to toe) given as garment of honour by the king.
36 Monetary unit first coined by King Mahendra Malla (r. 1560–1574), consisting of 16 *ānās* and equivalent to half of a Mogul rupee.
37 Unit of land measurement in the hill region, comprising four *murīs*, the area varying according to the grade.
38 *guṭha/guṭhi/guṭhī*, n. "endowed lands or other sources of revenue for financing religious and charitable functions" (M.R. Pant 2002: 132).
39 Volumetric unit equivalent to two *mānā*, or 20 *muṭhī*.
40 Inserted from the space above.

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May the sin of committing [one of] the five heinous crimes (*pañca-mahāpātaka*) [fall on] Lakṣmīnārāyana's descendants or anyone else who, [in] the future (*kālakālā* for *kālakalā*), becomes involved in coveting [funds] in order to wipe out the *guṭha* in [connection with] this bathing water (*nirmālya*)[41] of [Śiva];[42] [but] supreme growth [for him who] becomes involved in building/repairing [work] without coveting. Establish the *guṭha* [and] conduct the regular food distribution (*sadā-varta*), being mindful of your duty.

Thursday, the 2nd of the bright fortnight of Āṣāḍha in the [Vikrama] era year 1849 (1792 CE). Residence: Kantipur,[43] the capital. Auspiciousness.

Through (*mārphat*) Śrīkṛṣṇa Sāha
Attested by (*ruju*) Śaktivallabha Mahācārya

[Verso]

Through the Treasurer (*khajāncī*) Garbhu

Commentary:

Copies of this *lālamohara* are extant as NGMPP K 87/2 (of the Paśupatinātha Jāla Guṭhi po. 5, certified by the clerk [*bahīdāra*] Najaramāna? from Naradevī Ṭola) and K 498/7 (Po. no. 16 Gu. Bam., certified by someone from Naradevī Ṭola whose name is illegible, but ends with Putuvāra). Follow-up documents on the *guṭhi* established by this *lāla-mohara* are extant, e.g. as K 305/26 (VS 1974) and K 625/40 (VS 1974).

The present document grants Lakṣmīnārāyana Putuvāra high honours. The garment of honour (*siropāva*) was given to newly appointed

41 Usually this term denotes all remnants of offerings, but Parājulī et al. (2015) record as a second, more specific meaning "water, in which a deity has been bathed" (*devatālāī nuhāeko jala*). The whole phrase *es śivanirmālyamā* remains obscure. The present translation assumes that it reflects the *guṭhi*'s support for the Brahmins bathing Paśupatinātha.

42 Inserted from the space above.

43 Note that the city of Kathmandu is referred in the document under two different names. When the place where the building was erected is being referred to, it is called *sehara kāṭhamāḍau*, "city of Kathmandu"; when the place of issue, *kāṃtipūra rājadhāni*, "Kantipur, the capital". Is this scribal arbitrariness, or does it reflect a distinction between the city as a physical entity and the capital as the administrative centre of the kingdom?

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persons or to those who performed extraordinary tasks for the king (Krauskopff/Deuel Meyer 2000: 122–123). Was the building of a royal *dasaīghara* such a service, or is it and the gun salute somehow also connected with the favour supposedly shown by Pṛthvīnārāyaṇa Śāha to the Putuvāras (also called Ḍuṅās or Rājavāhakas), a low Newar caste of porters? The *vaṃśāvalīs* record that a Putuvāra helped Pṛthvīnārāyaṇa to escape death during his first assault of Kirtipur. Because he saved the king's life by carrying him back to Nuvakot, the Putuvāras became "close to the king" (*Nepālikabhūpavaṃśāvalī* II, pp. 114, 134; Hasrat 1970: 90).

The service Lakṣmīnārāyana Putuvāra was rewarded for, namely the building of the *dasaīghara* at the Mūlacoka, seems to have been part of a broader renovation scheme of Hanumandhoka palace under King Raṇabahādura (for which see Slusser 1982: 198). Even if it cannot be ruled out completely that the *dasaīghara* mentioned in the present document was located elsewhere in or around the Mūlacoka, it is likely to be the *dasaīghara* (or a predecessor of it) adjacent to the eastern side of this courtyard (G. Vajrācārya 1976: 120–121), the exact period of whose construction remains unknown. The only dated item at the building is a bell which, according to its inscription, was donated by Queen Suvarṇaprabhā in VS 1859 (1802 CE; G. Vajrācārya 1976: 267; Dh. Vajrācārya/Śreṣṭha 1980: 352–353). Having studied its architecture, N. Gutschow (2011: II, 344–345 no. 29) assigns the current building to the 20th century. The completion of the building the present document talks about can be pinned down to the year 1792.

As G. Vajrācārya has stressed, the *dasaīghara* of Hanumandhoka is the only one of its kind added under the Śāhas to an old Malla palace. That this was probably part of a broader scheme to appropriate the palace and to re-adjust the courtly rituals to the needs of the new dynasty can also be inferred from the fact that "Śaktivallabha Mahācārya" signed the document. Śaktivallabha Arjyāla had been the king's house-priest (*purohita*) since Pṛthvīnārāyaṇa's time. He also composed court poems. In the same year the present document was issued he finished the *Jayaratnākaranāṭaka*.

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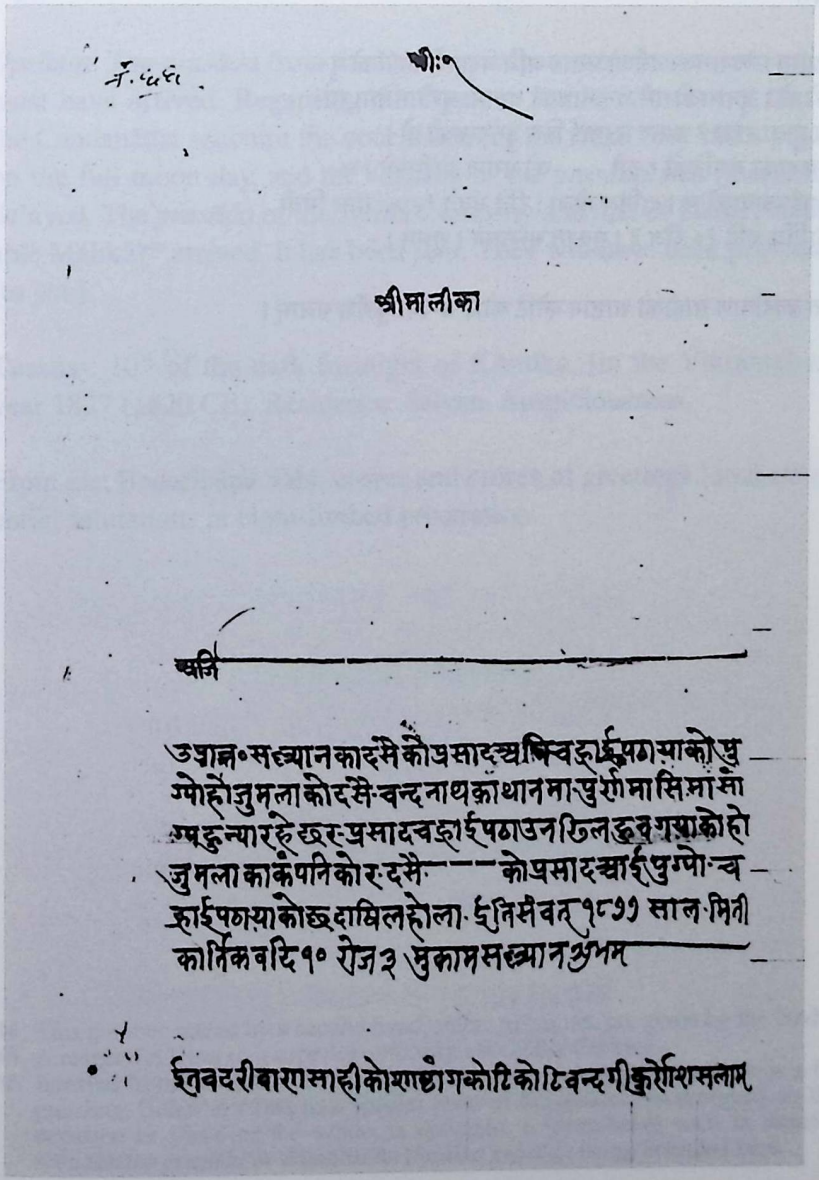
Document 3: An *Arjī* from Badarībāṇa Sāhī re the Sending of Dasaĩ *Prasāda*

Dated VS 1877, 10th of the dark fortnight of Kārttika (1820 CE); NAK ms. no. 66; microfilmed as NGMPP DNA 1/66; for the digital edition, see DOI: https://doi.org/10.11588/diglit.32351.

Facsimile:



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Edition:

श्रीः \

《नं.६६》

श्रीमालीका

1 अर्जि - - -

उप्रान्त सल्ल्यानका दसैको प्रसाद अघि चर्हाईपठायाको पु-
ग्यो हो। जुमलाको दसै चन्दनाथका थानमा पुर्णमासिमा सां-
ग्य हुन्या रहेछ र प्रसाद चर्हाई ढिल हुनगयाको हो।
5 जुमलाका कंपनिको र दसै - - -को प्रसाद आईपुग्यो। च-
र्हाईपठायाको छ। दाषिल होला। ईति संवत् १८७७ साल मिती
कार्तिक वदि १० रोज ३। मुकाम सल्ल्यान। शुभम्। - - -

ईत वदरीवाण साहीको शाष्टांग कोटि कोटि वन्दगी कुर्णेश सलाम्।

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Translation:

Śrī

No. 66[44]

Venerable Mālikā

Arjī[45]

Uprānta: The *prasāda* from the Dasaĩ in Salyan, which was sent earlier, must have arrived. Regarding the Dasaĩ in Jumla, it turns out that at the Candanātha sanctum the conclusion [of the ritual only takes place] on the full moon day, and the sending of the *prasāda* was [therefore] delayed. The *prasāda* of the Jumla Company and that of Dasaĩ [Venerable Mālikā][46] arrived. It has been sent. They will have been presented [to you].

Tuesday, 10th of the dark fortnight of Kārttika, [in the Vikrama] era year 1877 (1820 CE). Residence: Salyan. Auspiciousness.

From me, Badarībāṇa Sāhī, crores and crores of greetings [and] reverential salutations in eight-limbed prostration.

44 This number, added by a second hand, refers to the ms. no. given by the NAK.
45 A respectful letter to a superior authority, especially the king.
46 Inserted from the space above. The phrase *dasai śrīmālīkāko prasāda* is a bit puzzling. Either it refers to a special form of the goddess worshipped on the occasion of Dasaĩ or the syntax is deficient, a formulation such as *dasaiko śrīmālīkāko prasāda* or *śrīmālīkāko dasaiko prasāda* being intended here.

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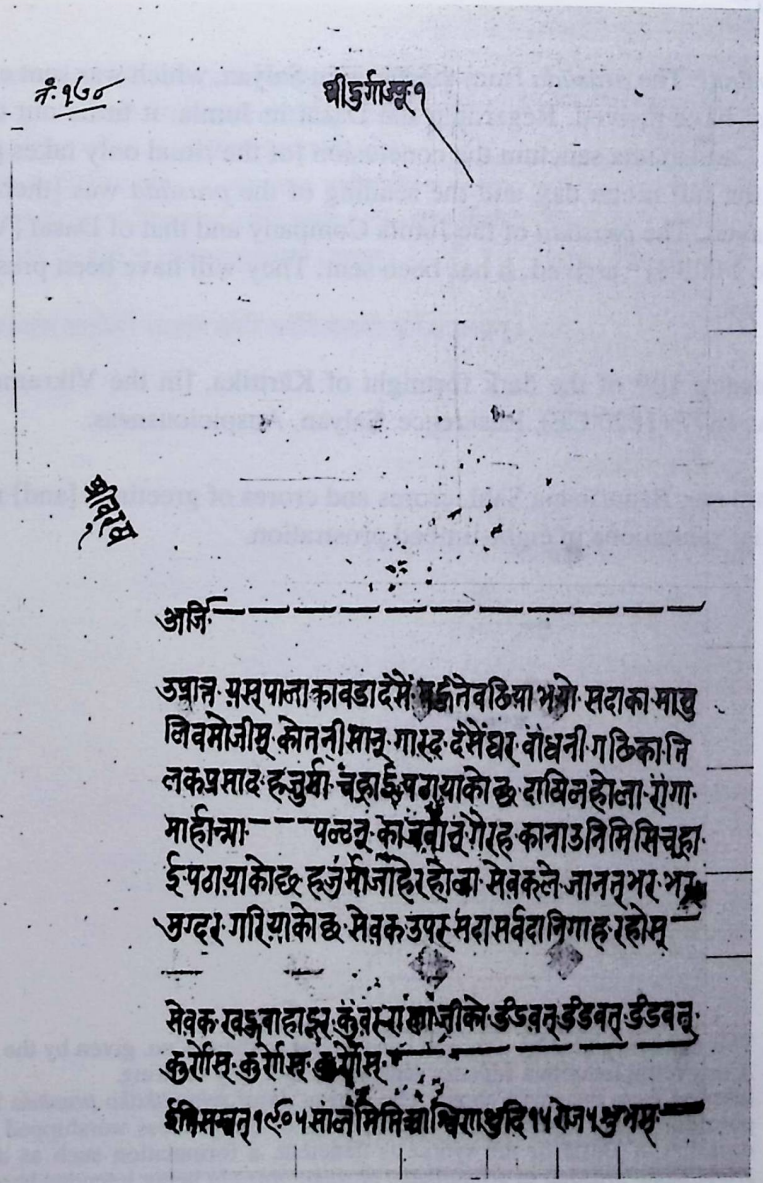
Document 4: An *Arjī* from Khaḍga Bahādura Kũvara Rāṇā re the Sending of Dasaĩ *Tilakas* and *Prasādas*

Dated VS 1905, 15th of the bright fortnight of Āśvina (1848 CE); NAK ms. no. 178; microfilmed as NGMPP DNA 2/61; for the digital edition, see DOI: https://doi.org/10.11588/diglit.34492.

Facsimile:



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श्रीदुर्गाज्यू \

《नं. १७८》

श्रीवरष \
१

1 अर्जि - - -

उप्रान्त यस् पालाका वडादसैं वहुतै वढिया भयो । सदाका मामु-
लि वमोजीम् कोत नीसान् गारद दसैंघर वाँधनी गढिका ति-
लक प्रसाद हजुर्मा चह्राईपठायाको छ । दाषिल होला । राँगा
5 मार्हान्न्या - - -पल्टन्का जवान् गैरहका नाउनिमिसि चर्‌हा-
ईपठायाको छ । हजुर्मा जाहेर होला । सेवकले जानत् भर भर-
[मग्दुर]" गरियाको छ । सेवक उपर सदा सर्वदा निगाह रहोस् ।

सेवक खड्गवहादुर कुँवर राणाजीको डंडवत् डंडवत् डंडवत्
कुर्णेस् कुर्णेस् कुर्णेस् । - - -

10 ईति सम्वत् १९०५ साल मिति आश्विण शुदि १५ रोज ५ शुभम् । - - -

47 Text: *mugdara.*

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Translation:

Śrī Durgājyū

No. 178[48]

Śrī Barakha
1

Arjī

Uprānta: This time the Baḍādasaĩ went very well. According to what has always been usual, the *tilaka*s [and] *prasāda*s from the *kota-nisānas*,[49] guard, blood sacrifices, [and] fort have been sent to you. They will have been presented [to you]. The names and personal details of all soldiers of the [Śrī Barakha]palṭan[50] who have killed a buffalo have been sent. They will have come to your notice. [Your] servant has done as much as he knew [how to], as much as he could. May at all times [your] favour remain upon [this] servant.

A threefold fully prostrate salutation from Khaḍga Bahādura Kũvara Rāṇājī.[51]

Thursday, the 15th of the bright fortnight of Āśvina, [in the Vikrama] era year 1905 (1848 CE). Auspiciousness.

48 Ms. no. given by the NAK.
49 As part of the blood sacrifices in the military forts/arsenals (*kota*/*koṭa*) the banners (*nisāna*) serving as regimental colours are worshipped (Chaulagain 2013: 180–183).
50 Name of the army regiment inserted from the space above.
51 Khaḍga Bahādura Kũvara Rāṇā was a first cousin of Jaṅga Bahādura Rāṇā, his father Balarāma (mentioned in NGMPP K 10/1) being the younger brother of Jaṅga's father Bālanarasiṃha. He is thus addressed by Jaṅga as a younger brother, *bhāi* (e.g. in a letter published by Adhikari 1984: 262), and he himself addresses Jaṅga as an elder brother, *dājyaijyū* (e.g. in DNA 1/95). Khaḍga Bahādura had a remarkable career, consecutively holding the rank of colonel (e.g. in K 104/13), commander colonel (e.g. in K 118/23), brigadier general (e.g in DNA 1/95), and general (e.g. in K 10/1).

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Commentary:

The document does not state where it was dispatched from. On the 4th of the dark fortnight of Śrāvaṇa in VS 1905 (i.e. roughly two months before the date of the present document), the sender, Khaḍga Bahādura Kũvara Rāṇā, was addressed in a letter as the "Gaunda Governor of Doti" (Adhikari 1984: 221 n. 7). "Within a few months of the dispatch of this letter, Khadga Bahadur was transferred to Palpa to take charge from the Governor of that place, General Krishna Bahadur" (ibid.). Adhikari gives VS 1905, the 13th of the dark fortnight of Kārttika as the date of this transfer. Thus the setting of the festival the present document speaks of was either Doti or Palpa. Likewise, the Barakhapalṭan mentioned in the document is known to have been stationed at Doti in 1825, 1832, and 1843 (ibid.: 155 table 3), and at Palpa from 1850 to 1877 (ibid.: 157 table 5).

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Abbreviations

NAK	National Archives, Kathmandu
Nep.	Nepali
New.	Newari
NGMPP	*Nepal-German Manuscript Preservation Project*
NS	Nepāla Saṃvat
RRC	*Regmi Research Collection*
VS	Vikrama Saṃvat

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